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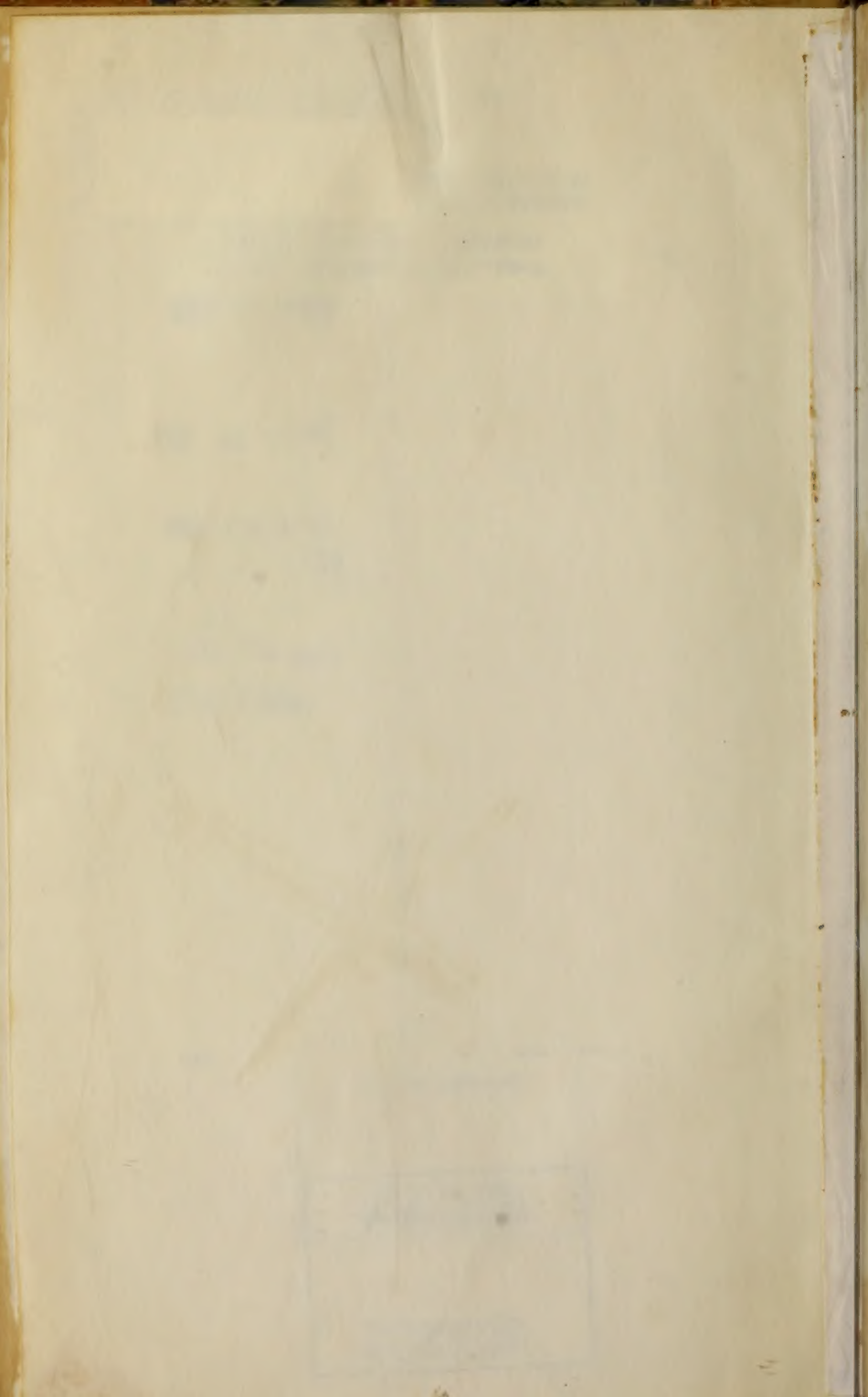


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THE  
JOURNAL OF THE SENATE,  
DURING  
THE FIFTEENTH SESSION

OF THE  
Legislature of the State of California, *Legis.*  
1863-4,

BEGAN ON MONDAY, THE SEVENTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-THREE, AND ENDED ON MONDAY, THE FOURTH DAY OF APRIL, EIGHTEEN HUNDRED AND SIXTY-FOUR.



SACRAMENTO :  
O. M. CLAYES, STATE PRINTER.  
—  
1864.





JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



# CALIFORNIA LEGISLATURE---IN SENATE.

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## FIFTEENTH SESSION.

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SENATE CHAMBER,  
Monday, December 7th, 1863. }

The Senate met, pursuant to the provisions of the Constitution, and was called to order, at twelve o'clock, M., by Hon. J. F. Chellis, President.

The roll of Senators elect was called by the Secretary, and the following gentlemen answered to their names, to-wit:

Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Myers, Moyle, Pierce, Porter, Rush, Shafter, Shepard, Smith, Tuttle, Wright, and Yule.

Absent—Messrs. Dodge, Hale, Montgomery, Redington, and Roberts.

Prayer by Rev. Mr. Hill.

On motion of Mr. Gaskill, a committee of three were appointed to wait upon Hon. E. B. Crocker, and invite him to administer the oath of office to members elect.

Messrs. Gaskill, Burnell, and Hartson, were appointed such committee.

Hon. Judge Crocker came forward and administered the oath of office to the Senators elect present, who severally subscribed to the same.

On motion of Mr. Porter, the roll was called, and Senators came forward and subscribed to the oath administered, and deposited their certificates of election with the Secretary.

Mr. Hartson moved to adopt the Rules of the last session temporarily.

Carried.

Mr. Heacock offered the following resolution:

*Resolved*, That the Senate proceed to the election of its officers in the following order :

1. President pro tem.
2. Secretary.
3. Assistant Secretary.
4. Sergeant-at-Arms.
5. Assistant Sergeant-at-Arms.
6. Minute Clerk.
7. Journal Clerk.
8. Enrolling Clerk.
9. Engrossing Clerk.
10. Two Copying Clerks.

Mr. Yule moved to lay the resolution on the table.

Lost.

Resolution adopted.

The first business being the election of President pro tem,

FOR PRESIDENT PRO TEM.

Mr. Heacock placed in nomination Mr. Burnell of Amador.

Mr. Smith nominated Mr. Gaskill of Butte.

Mr. Pierce nominated Mr. Freeman of Tulare.

Mr. Gaskill declined the nomination.

The vote was then taken, with the following result :

Names.	Burnell.	Freeman.
Benton.....	1	.....
Buckley.....	1	.....
Cot. ....	1	.....
Crane .....	1	.....
Cunningham.....	1	.....
Evans.....	1	.....
Foulke.....	1	.....
Gaskill .....	1	.....
Hall .....	1	.....
Hamilton.....	.....	1
Hartson.....	1	.....
Haswell.....	1	.....
Hawes.....	1	.....
Heacock.....	1	.....
Henry.....	1	.....
Haskin .....	1	.....
Jones.....	1	.....
Kutz.....	1	.....
Leonard.....	1	.....
Lovett.....	1	.....
Maddox.....	1	.....
McMurtry.....	1	.....
Meyers.....	1	.....
Moyle.....	1	.....



Names.	Burnell.	Freeman.
Pierce .....		1
Porter .....	1	
Rush .....		1
Shafter .....	1	
Shepard .....	1	
Smith .....	1	
Tuttle .....	1	
Wright .....	1	
Yule .....	1	
Totals .....	30	3

Mr. Burnell voted for Mr. Gaskill.

Mr. Freeman voted for Mr. Hamilton.

Mr. Burnell was declared duly elected President pro tem.

#### FOR SECRETARY.

Mr. Foulke nominated John White.

Mr. Jones nominated Chas. Westmoreland.

There being no further nominations, the roll was called, with the following result:

Names.	White.	Westmoreland.
Benton .....		1
Buckley .....	1	
Burnell .....		1
Cot .....		1
Crane .....	1	
Cunningham .....		1
Evans .....		1
Foulke .....	1	
Freeman .....	1	
Gaskill .....		1
Hall .....		1
Hamilton .....	1	
Hartson .....	1	
Haswell .....		1
Hawes .....	1	
Heacock .....		1
Henry .....		1
Haskin .....		1
Jones .....		1
Kutz .....	1	
Leonard .....		1
Lovett .....		1
Maddox .....	1	

Names.	White.	Westmoreland.
McMurtry .....		1
Meyers .....		1
Moyle .....		1
Pierce .....	1	
Porter .....		1
Rush .....	1	
Shafter .....	1	
Shepard .....		1
Smith .....		1
Tuttle .....	1	
Wright .....	1	
Yule .....	1	
Totals .....	15	20

Mr. Westmoreland, having received a majority of all the votes cast, was declared duly elected.

#### FOR ASSISTANT SECRETARY.

Mr. Hartson nominated A. W. Bishop.

There being no further nominations, on motion of Mr. Jones, A. W. Bishop was elected by acclamation.

#### FOR SERGEANT-AT-ARMS.

Mr. Wright nominated Geo. W. Werk.

Mr. Cunningham nominated Geo. I. Lytle.

Mr. Yule nominated John Helmsley.

There being no further nominations, the roll was called, with the following result:

Names.	Werk.	Lytle.	Helmsley.
Benton .....		1	
Buckley .....			1
Burnell .....	1		
Cot .....	1		
Crane .....			1
Cunningham .....		1	
Evans .....		1	
Foulke .....		1	
Freeman .....	1		
Gaskill .....			1
Hall .....		1	
Hamilton .....	1		
Hartson .....	1		
Haswell .....			1

Names.	Werk.	Lytle.	Helmsey.
Hawes.....			1
Heacock.....		1	
Henry.....		1	
Haskin.....	1		
Jones.....	1		
Kutz.....			1
Leonard.....			1
Lovett.....		1	
Maddox.....		1	
McMurtry.....			1
Meyers.....		1	
Moyle.....		1	
Pierce.....			1
Porter.....		1	
Rush.....			1
Shafter.....			1
Shepard.....			1
Smith.....	1		
Tuttle.....	1		
Wright.....	1		
Yule.....			1
Totals.....	10	12	13

Whole number of votes cast..... 35

Necessary to a choice..... 18

There being no choice, the roll was again called, with the following result:

Names.	Werk.	Lytle.	Helmsey.
Benton.....		1	
Buckley.....			1
Burnell.....	1		
Cot.....	1		
Crane.....			1
Cunningham.....		1	
Evans.....		1	
Foulke.....			1
Freeman.....			1
Gaskill.....			1
Hall.....		1	
Hamilton.....			1
Hartson.....	1		
Haswell.....			1
Hawes.....			1
Heacock.....		1	



Names.	Werk.	Lytle.	Helmsley.
Henry.....		1	
Haskin.....	1		
Jones.....	1		
Kutz.....			1
Leonard.....			1
Lovett.....			1
Maddox.....		1	
McMurtry .....			1
Meyers.....		1	
Moyle.....		1	
Pierce.....			1
Porter.....		1	
Rush.....			1
Shafter.....			1
Shepard.....			1
Smith.....	1		
Tuttle.....			1
Wright.....	1		
Yule.....			1
Totals.....	7	10	18

Mr. Helmsley, having received a majority of all the votes cast, was declared duly elected.

#### FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Evans nominated Charles M. Keeffe.

Mr. Kutz nominated James A. Stidger.

Mr. Shafter nominated Horace Lovely.

Mr. Benton nominated J. Laws.

There being no further nominations, the roll was called, with the following result:

Names.	Keeffe.	Stidger.
Benton.....	1	
Buckley.....	1	
Burnell.....	1	
Cot.....		1
Crane.....		1
Cunningham.....		1
Evans.....	1	
Foulke.....	1	
Freeman.....		1
Gaskill.....		1
Hall.....		1

Names.	Keffee.	Stidger.
Hamilton.....		1
Hartson.....	1	
Haswell.....	1	
Hawes.....		1
Heacock.....	1	
Henry.....	1	
Haskin.....	1	
Jones.....	1	
Kutz.....		1
Leonard.....	1	
Lovett.....	1	
Maddox.....		1
McMurtry.....	1	
Meyers.....	1	
Moyle.....		1
Pierce.....	1	
Porter.....		1
Rush.....		1
Shafter.....		1
Shepard.....	1	
Smith.....		1
Tuttle.....		1
Wright.....		1
Yule.....		1
Totals .....	17	15

Mr. Stidger, having received a majority of all the votes cast, was declared duly elected.

#### FOR MINUTE CLERK.

Mr. Gaskill nominated J. S. Van Doren.

Messrs. Roberts of Nevada, and Hale of Placer, came forward and were sworn in.

There being no further nominations for Minute Clerk, on motion of Mr. Gaskill, J. S. Van Doren was declared elected by acclamation.

#### FOR JOURNAL CLERK.

Mr. Wright nominated W. F. Huestis.

Mr. Hall nominated George A. Gillespie.

There being no further nominations, the roll was called, with the following result:

Names.	Huestis.	Gillespie.
Benton.....		1
Buckley.....	1	
Burnell.....		1
Cot.....		1
Crane.....	1	
Cunningham.....	1	
Evans.....		1
Foulke.....		1
Freeman.....	1	
Gaskill.....		1
Hale.....	1	
Hall.....		1
Hamilton.....	1	
Hartson.....		1
Haswell.....		1
Heacock.....		1
Henry.....	1	
Haskin.....		1
Jones.....	1	
Kutz.....		1
Leonard.....	1	
Lovett.....	1	
Maddox.....	1	
McMurtry.....	1	
Meyers.....	1	
Moyle.....	1	
Pierce.....	1	
Porter.....	1	
Roberts.....		1
Rush.....	1	
Shafter.....	1	
Shepard.....	1	
Smith.....	1	
Tuttle.....	1	
Wright.....	1	
Yule.....	1	
Totals.....	23	13

Mr. Huestis, having received a majority of all the votes cast, was declared elected.

#### FOR ENROLLING CLERK.

Mr. Porter nominated Albert Hart.

Mr. Moyle nominated John B. Reed.

There being no further nominations, the roll was called with the following result:

Names.	Hart.	Reed.
Benton .....	1	
Buckley .....	1	
Burnell.....		1
Cot .....	1	
Crane.....		1
Cunningham .....	1	
Evans.....		1
Foulke .....	1	
Freeman.....		1
Gaskill.....	1	
Hale.....	1	
Hall .....	1	
Hamilton.....	1	
Hartson.....	1	
Haswell .....	1	
Hawes .....		1
Heacock .....		1
Henry .....		1
Haskin.....		1
Jones .....		1
Kutz.....	1	
Leonard.....		1
Lovett .....		1
Maddox.....	1	
McMurtry .....		1
Meyers.....	1	
Moyle.....		1
Pierce.....		1
Porter .....	1	
Roberts .....	1	
Rush.....		1
Shafter.....		1
Shepard .....		1
Smith .....	1	
Tuttle.....		1
Wright.....	1	
Yule .....	1	
Totals.....	19	18

Mr. Hart, having received a majority of all the votes cast, was declared duly elected.

#### FOR ENGROSSING CLERK.

Mr. Benton nominated M. E. Gelston.

There being no further nominations, on motion of Mr. Benton, M. E. Gelston was declared elected by acclamation.



## FOR COPYING CLERKS.

Mr. Foulke nominated F. Hallowell.

Mr. Lovett nominated W. A. Plunkett.

There being two to elect, and no further nominations being made, Messrs. Hallowell and Plunkett were declared elected by acclamation.

The officers elect, with the exception of James A. Stidger, came forward and took the oath of office.

At one o'clock and fifty minutes p. m., on motion of Mr. Hartson, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 8th, 1863. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Freeman, Montgomery, and Roberts.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read and approved.

Mr. James A. Stidger, Assistant Sergeant-at-Arms, came forward and was sworn, and subscribed to the oath of office.

Messrs. Dodge and Reddington, members elect from San Francisco, came forward, were sworn in, and subscribed to the oath of office.

## RESOLUTIONS.

Mr. Evans offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized by the election of the following officers, and is ready to proceed with legislative business :

President pro tem.....	R. Burnell.
Secretary .....	Chas. Westmoreland.
Assistant Secretary.....	A. W. Bishop.
Sergeant-at-Arms.....	John Helmsley.
Assistant Sergeant-at-Arms.....	Jas. A. Stidger.
Minute Clerk.....	J. S. Van Doren.
Journal Clerk.....	W. F. Huestis.
Enrolling Clerk.....	Albert Hart.
Engrossing Clerk .....	M. A. Gelston.
Copying Clerks.....	F. Hallowell, and W. A. Plunkett.

Adopted.

Mr. Smith offered a concurrent resolution relative to the seat held in the United States Senate by the Honorable J. A. McDougall.

On motion of Mr. Hale, the resolution was made the special order for Thursday, December seventeenth, at twelve o'clock m., and the usual number of copies ordered printed.

Mr. Wright offered a resolution, (Senate Concurrent Resolution No. 2,) relative to Joint Convention to canvass the votes for Governor and Lieutenant-Governor.

Adopted.

Mr. Yule offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be allowed to appoint a Clerk at a per diem of six dollars.

Adopted.

Mr. Evans offered the following resolution :

*Resolved*, That Chas. S. Winn, of Mono county, be and he is hereby appointed Night Watchman in the Senate for the present session, and that he shall receive for his services the sum of four dollars per day.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That John White be and he is hereby appointed Assistant Clerk at the desk, at the per diem allowed by law to Copying Clerks.

Adopted.

Mr. Jones offered a resolution, (Senate concurrent resolution No. 3,) relative to a Fireman for both Houses.

Amended and adopted.

Mr. Heacock offered a resolution, (Senate concurrent resolution No. 4,) relative to a Porter for the rear of the Capitol.

Amended and adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with five daily papers, or their equivalent in weeklies.

Mr. Yule offered a substitute.

Substitute withdrawn.

Resolution adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
December 8th, 1863. }

MR. PRESIDENT:—I am directed to inform the Senate of the organization of the Assembly by the election of the following officers :

Speaker.....	W. H. Sears.
Speaker pro tem.....	J. J. Owen.
Clerk.....	O. C. Wheeler.
Assistant Clerk.....	R. H. Daly.
Minute Clerk.....	Martin Rowan.
Journal Clerk.....	L. S. Taylor.
Enrolling Clerk.....	J. H. Marple.

Engrossing Clerk .....	A. N. Gambill.
Copying Clerks.....	H. A. Leese and N. Moritz.
Sergeant-at-Arms.....	W. Rider.
Assistant Sergeant-at-Arms.....	J. F. Halloway.
Watchman.....	P. Groves.

I am further directed to inform the Senate that the Assembly is now ready for the transaction of business.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
December 8th, 1863. }

MR. PRESIDENT :—The Assembly have this day passed the accompanying concurrent resolution, concerning the appointment of a committee to wait on the Governor to inform him of the organization of both branches of the Legislature, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution, above reported, was concurred in, and Messrs. Cunningham, Wright, and Jones, appointed said committee on the part of the Senate.

#### FURTHER RESOLUTIONS.

Mr. Porter offered the following resolution :

*Resolved*, That a committee of five be appointed, to prepare and report Rules for the Government of the Senate, and to act with a like committee on the part of the Assembly, on Joint Rules for the two Houses.

Adopted.

MESSRS. Porter, Shafter, Burnell, Hartson, and Wright, were appointed as said committee.

Mr. Meyers offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage of the Lieutenant-Governor and members of the Senate, and for per diem of officers, Clerks, and attachés of the Senate.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That the President of the Senate invite the loyal Clergymen of the City of Sacramento to open the Senate with prayer, each morning, and to arrange the order among themselves, at a per diem of five dollars for each day's service rendered.

On motion of Mr. Wright, the Sergeant-at-Arms was instructed to raise the Stars and Stripes upon the Capitol.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 8th, 1863. }

Mr. PRESIDENT :—The Assembly have this day concurred in Senate concurrent resolution No. 2, relative to Joint Convention to canvass the votes for Governor and Lieutenant-Governor, with amendment, and ask the Senate to concur.

R. H. DALY,  
Assistant Secretary.

Assembly amendments to Senate concurrent resolution No. 2, above reported, were concurred in.

Mr. Shafter offered the following resolution :

*Resolved*, That the Senate proceed to the allotment of Senators at twelve o'clock of ——— next, and that such allotment shall be made in the manner following: There shall be put into a box forty ballots of similar form, upon twenty of which shall be written "two years," and upon twenty of which shall be written "four years." The roll of the Senate shall then be called, and as each name is called, a Page shall draw from the box a ballot, and the Senator whose name is thus called shall have allotted to him the term so written upon the ballot so drawn.

Laid on the table.

A recess of thirty minutes was taken.

## SENATE RE-ASSEMBLED.

Roll called.

Absent—Messrs. Meyers, Montgomery, and Pierce.

A message was received from the Assembly stating that the Assembly was now ready to receive the Senate in Joint Convention, and on motion of Mr. Shafter, the Senate proceeded to the Assembly Chamber, in accordance with Senate concurrent resolution No. 2.

## IN JOINT CONVENTION.

President Chellis and Speaker Sears presiding.

Senate roll called.

Absent—Messrs. Meyers, Montgomery, and Pierce.

Assembly roll called.

Absent—Messrs. Bowman, Kewen, Mitchell, and Wilcox.

The business of the Convention being to canvass the votes given at the last general election for Governor and Lieutenant-Governor.

On motion of Mr. Hartson, four Tellers were appointed—Messrs. Gas-kill and Yule, on the part of the Senate, and Messrs. Buffum and Cherry, on the part of the Assembly.

The vote of the soldiers not being counted with the returns from Tulumne County, on motion of Mr. Evans, a committee, consisting of Messrs. Evans and Foulke, of the Senate, and Messrs. Wright and Alley, of the Assembly, were appointed to ascertain from the Secretary of State whether he had received the returns mentioned.



The committee reported the returns were in, in full, from all the counties, excepting the County of Lake.

The votes having been canvassed, the following result was announced by the President:

FOR GOVERNOR.

Whole number of votes cast for Governor were.....	108,815
Of which F. F. Low received.....	64,323
And J. G. Downey received.....	44,492

F. F. Low, having received a majority of all the votes cast, was declared elected Governor for the next four years.

FOR LIEUTENANT-GOVERNOR.

Total number of votes cast for Lieutenant-Governor were.....	108,906
Of which T. N. Machin received.....	65,013
And E. W. McKinstry received.....	43,893

Mr. Machin, having received a majority of all the votes cast, was declared duly elected Lieutenant-Governor.

The business of the Convention having been accomplished, the President declared it adjourned *sine die*.

IN SENATE.

The President called the Senate to order.

Roll called.

Quorum present.

Mr. Montgomery, of Mariposa, came forward, and was sworn in.

At four o'clock, P. M., on motion of Mr. Gaskill, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
Wednesday, December 9th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Hartson, Foulke, and Meyers.

Prayer by Reverend Mr. Charlton.

Leave of absence for one day was granted to Messrs. Hamilton and Meyers.

Journal of yesterday read and approved.

#### RESOLUTIONS.

Mr. Wright offered a concurrent resolution relative to appointment of a committee to wait upon the Governor and Lieutenant-Governor.

Adopted.

Messrs. Wright, Crane, and Yule, were appointed said committee on the part of the Senate.

On motion of Mr. Jones, a Committee on Mileage was appointed, consisting of Messrs. Jones, Freeman, and Montgomery.

Mr. Yule offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to furnish Reporters of the Press with all necessary stationery during the session of the Legislature.

Adopted.

Mr. Cunningham made the following report:

Mr. PRESIDENT:—The special committee appointed to wait on the Governor, and inform him of the organization of the Legislature, have discharged the duty assigned them, and report that his Excellency will send in his Annual Message this day at twelve, M.

CUNNINGHAM,  
WRIGHT,  
JONES,

Senate Committee.

WILEY,  
CAMPBELL,  
BOULWARE,

Assembly Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

December 9th, 1863. }

Mr. PRESIDENT:—The Assembly this day concurred in Senate concurrent resolution No. 3, relative to appointment of Fireman for both Houses;

Also, concurred in Senate concurrent resolution No. 4, relative to appointment of Hiram Clock as Rear Porter.

R. H. DALY,  
Assistant Clerk.

On motion of Mr. Gaskill, a Special Committee on Contingent Expenses was appointed, consisting of Messrs. Gaskill, Rush, and Evans.

## FURTHER RESOLUTIONS.

Mr. Foulke offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each member, the Lieutenant-Governor, the Secretary of the Senate, and the Sergeant-at-Arms, with twenty-five dollars worth of postage stamps, or Express envelopes, to be paid for out of the Contingent Fund of the Senate.

Mr. Moyle moved to amend by striking out the words "twenty-five," and inserting the word "ten."

On motion of Mr. Gaskill, the resolution was laid on the table.

The following communication was received from Hiram Clock :

SACRAMENTO.

December 9, 1863. }

*To the Honorable the Senate of California:*

I most respectfully beg leave to decline the position of Porter to clean up in the rear of the Capitol building.

HIRAM CLOCK.

Mr. Porter offered a concurrent resolution relative to Porter in rear of Capitol building.

Adopted.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

December 9th, 1863. }

MR. PRESIDENT:—The Assembly have this day concurred in Senate concurrent resolution No. 5, relative to appointment of Joint Committee to wait upon the Governor elect, and have appointed the following committee on the part of the House: Messrs. Buffum, Cherry, and Campbell of San Francisco.

R. H. DALY,

Assistant Clerk.

Mr. Benton, by leave, introduced a bill for an Act to provide for the collection of delinquent taxes in Granite School District, County of Sacramento.

Read first and second times, rules suspended, considered engrossed, and placed upon its third reading.

Pending the consideration of which,

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }  
Sacramento, December 9th, 1863. }

*To the Honorable the Senate of California :*

I herewith transmit to your honorable body my Second Annual Message, with the accompanying documents.

There being but one copy of the Annual Reports, I have to request that you transmit them to the Assembly.

LELAND STANFORD.  
Governor.

#### GOVERNOR'S MESSAGE.

The following Message and accompanying documents were received :

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT. }  
Sacramento, December 9th, 1863. }

TO THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA :

You are once more assembled by a constitutional provision to act under the delegated authority of the people of this State, as its legislative guardians. As faithful representatives, you will appreciate the importance of the trust confided to your care.

To the nation of which we are a part, the months that have passed since your last annual gathering have been months of ever changing but never ceasing interest. Thousands and tens of thousands who entered upon the year with high hopes and ardent expectations—who engaged themselves with loyal hearts in a nation's struggle for a nation's life—are now, as the waning days herald the closing of its scenes, lying beneath the honored turf of many a well fought battle field; and their heroic names, hallowed as they are by the mournful associations of their own bereaved homes, will be held forever glorious in the estimation of our country, for the very existence of which they offered themselves as a voluntary sacrifice.

While, then, we are congratulating ourselves upon the national successes of the past year, and the undeviating advance of our armies and arms—while we engage in thankful recollections over the victories we have obtained, and the territory we have conquered—while in our rejoicings we pay a just tribute to the living heroes who represent our country's strength, let us not forget the sad memories that are due to the gallant dead of eighteen hundred and sixty-three. And let us in all our acts be so influenced as to be worthy of the sacrifices made by the living and the dead, who are the glory and honor of our country.

#### FINANCES OF THE STATE.

The Legislature of last Winter added to the per centage of taxation for State purposes an amount which, in view of the probable increase in assessable property, it was thought would put the finances of the State upon a cash basis. Owing, however, to causes that are enlarged upon in another place, the general assessment lists, although larger than before.



do not exhibit the increase that was anticipated. For this reason, and for the additional reason, that an unusual amount of expenditure has been made during the year upon military appropriations, this additional tax has not up to this time relieved the State Treasury from the pressure of outstanding obligations.

You will receive herewith the annual reports of the State Treasurer and State Controller, which will exhibit the receipts and expenditures during the year, and present the financial condition of the State up to the first day of December, eighteen hundred and sixty-three. On that day the Controller shows the entire indebtedness of the State to be as follows :

Bonds issued under the Act of 1857, outstanding.....	\$3,620,500 00
Bonds of 1860 outstanding.....	198,500 00
Old War Debt, under Act of March 7, 1851. and May 3, 1852.....	218,468 54
Transfer from Swamp Land Fund for Legislative expenses, Fourteenth Session.....	183,125 00
Due the School Fund.....	368,520 00
Bonds held by State Treasurer in trust for the School Fund.....	107,000 00
Outstanding Warrants drawn on General Fund.....	210,620 40
	<hr/>
	\$4,906,733 94
From this deduct Legal Tender Notes in Treasury belonging to General Fund.....	67,190 87
	<hr/>
Indebtedness of State, December 1, 1863.....	\$4,839,543 07
	<hr/>
On the first of December, 1862, the State Debt was.....	5,569,284 76
December 1, 1863, it is as above exhibited.....	4,839,543 07
	<hr/>
Decrease.....	\$729,741 69

This shows a decrease in the State Debt during the year of seven hundred and twenty-nine thousand seven hundred and forty-one dollars and sixty-nine cents (\$729,741 69).

The indebtedness of the General Fund on the 1st of December, 1862, was.....	\$540,213 70
December 1, 1863, it is, according to the Controller's Report.....	210,620 40
	<hr/>
	\$329,593 30

Thus showing that the floating debt of the State has been lessened three hundred and twenty-nine thousand five hundred ninety-three dollars and thirty cents (\$329,593 30).

The valuation of real and personal property in the State for the year ending the last day of February, eighteen hundred and fifty-four, is in

round numbers one hundred and seventy-four millions of dollars. (\$174,000,000,) an increase of eleven millions (\$11,000,000) over the year previous.

The gratifying decrease in the floating indebtedness of the State during the last two years is due, in part, to the fact that no outside expenditures have been contracted—it having been the steady aim of the Administration to keep the expenses of the State within the limits contemplated by the annual appropriations of the Legislature. Still, however much an Administration may be imbued with a spirit of economy, it rests chiefly with the Legislative branch of the government whether or not such a disposition can be successfully cultivated; and too much care cannot be bestowed in discussing the policy or necessity of unusual appropriations, which a wise and comprehensive legislation may suggest.

In public affairs, as in private transactions, the policy that grasps the present and wisely anticipates the future is the one that should prevail; and the same combination of sagacity and prudence, with judicious expenditure, that conducts individual enterprises to a successful issue, should be the governing rule that controls legislative action.

#### STATE CAPITOL.

The tax of five cents on the hundred dollars imposed by the last Legislature for the construction of a State Capitol building will yield, with a deduction of twenty-five (25) per cent for cost of collection and delinquencies, about sixty-five thousand dollars (\$65,000.) The work on the building was renewed in June, and a view of its present condition by the members of the present Legislature will convince them that the Capitol Commissioners have exercised a watchful care in expending the moneys intrusted to their hands.

The expenditures to December first, eighteen hundred and sixty-three, have been :

For labor and services rendered, including salary of Architect.....	\$26,597 08
For materials received on contracts.....	24,341 65
For materials not contracted for, lumber, hardware, etc.,	2,431 92
Total expenditure to date.....	\$53,370 65

This leaves about twelve thousand dollars (\$12,000) unexpended of the appropriation. There having been but small receipts from that tax until within a month, the Commissioners were compelled to proceed cautiously, and were actuated by a desire to keep within rather than go beyond the limits allowed.

This method of constructing a State Capitol will be a long and tedious one, and, at best, the yearly advance it will make will not keep pace with the people's expectations. The building should be finished as early as possible, and the means provided to insure that result.

In a young State like our own, poor in comparison to what its future promises, the conviction has become strong in my mind that coming generations should share with the present in the erection of any great and permanent public building. And while thus calling upon the future

for aid, an edifice should be constructed that will be satisfactory to the grandeur of the coming time. In all new countries the first generation has much to overcome, which inevitably results largely to the benefit of those that follow after; and the older a growing State becomes, the more ability it has to bear burdens that have been lightened by the sacrifices of its earlier years.

The State Capitol of California, that is to endure for generations, should be a structure that the future will be proud of, and surrounded by grounds that should extend into the dimensions of an ample park. Such grounds can now be had at a comparatively nominal sum, and the peculiar salubrity of our climate would, in a few years, surround the edifice with a beauty and luxuriousness that no other Capitol in the country could boast.

I would, therefore, recommend that, consulting the future, with due consideration for the present, a law should be passed, and submitted to the people of the State, providing for the issuance of bonds for State Capitol purposes, sufficient to complete the work in the manner proposed.

#### CHARITABLE INSTITUTIONS.

The Legislature of last winter, aside from the appropriation of one hundred and eighty-six thousand dollars (\$186,000) to carry on the Insane Asylum, the State Prison, Reform School, and Deaf and Dumb Asylum, donated to institutions and asylums not connected with the State the sum of thirty thousand dollars (\$30,000). From the Managers of these institutions you will, undoubtedly, receive detailed reports as to the expenditure of the sums with which they were intrusted.

#### INSANE ASYLUM.

The annual reports of the Directors, the Resident Physician, and the Visiting Physicians, of the State Insane Asylum, possess a peculiar interest to all who sympathize with that class of unfortunates for whose treatment and care this beneficent institution is intended.

The Directors, named by the Act of April twenty-fifth, eighteen hundred and sixty-three, organized on the fifth of May, by electing G. A. Shurtleff, President, and at once entered upon the duties imposed.

In this, as in other institutions of the State, much embarrassment is felt in its financial department. The Directors, not being able to realize their monthly appropriations, have sold the State Warrants, from time to time, for cash; in this way receiving but about three fourths of their face value. To remedy this evil, they propose a special Asylum Tax, to be devoted exclusively to the wants of that institution; but the same action that shall wisely provide sufficient revenue for payments in cash of the current expenditures of the State, will include the appropriations for the support of the Asylum.

The Resident Physician's Report to the Directors gives the statistics of the Asylum from December first, eighteen hundred and sixty-two, to October twentieth, eighteen hundred and sixty-three, a portion of which is subjoined:

Number of patients, Dec. 1, 1862 .....	499
Number of patients, Oct. 20, 1863.....	583
Patients received, Dec. 1, 1862, to Oct. 20, 1863 .....	252
Patients discharged, Dec. 1, 1862, to Oct. 20, 1863.....	168
Discharges, (cured,) Dec. 1, 1862, to Oct. 20, 1863.....	92
Discharges, (convalescent,) Dec. 1, 1862, to Oct. 20, 1863.....	13

Of the seven hundred and fifty-one patients under treatment during the year, it is estimated by the Resident Physician, that but two hundred and ninety-one are cases that are usually regarded as hopeful. The overcrowded state of the Asylum, and the scarcity of attendants, are commented upon in the reports of this Institution.

A full and interesting description is also given by the Resident Physician, of his late visit to the various Insane Asylums and Hospitals in the East; he having been commissioned by the Board of Directors to examine kindred institutions of other States, for the purpose of gathering facts as to their management, and plans and specifications relating to construction. This was done, that the latest improvements in the erection of Asylums, and in the treatment of insane persons, might be introduced, as far as possible, in the proposed buildings contemplated by the Act of last winter.

#### STATE PRISON.

The affairs of this institution are in as favorable a condition as could be anticipated from the constant embarrassment its officers have met with in their financial department. Since taking possession, in January, eighteen hundred and sixty-two, the Prison treasury has been, on an average, a year behind in its receipts of cash for their annual appropriations. This has induced an increase in their expenditure, from the fact of being obliged to contract for supplies at higher prices than would have been demanded on the strength of cash payments. Notwithstanding these drawbacks, and the additional obligation imposed by the Legislature last winter, to pay interest out of the Prison Fund on liabilities that were overdue, the Directors find that their scale of expenditures have been about equal to the appropriations.

As required by law, the Directors will submit their annual report to the Legislature, which will give the details of their management of its affairs, and the general condition of the prisoners and Prison.

Various improvements of an absolutely necessary character have been made during the year in and about the Prison, which have been paid for out of the annual appropriation. To place the institution, however, upon a proper footing, a greatly increased expenditure is necessary, which cannot be done without a special appropriation for the purpose. The necessity for these additions to the present capacity and strength of the prisoners' cells is just as apparent as when, a year ago, I made a recommendation to your predecessors to authorize the construction of further buildings. My convictions, urged at that time, regarding the confinement and treatment of the State prisoners, have been strengthened with the experience I have since had, and I commend the subject to your earnest consideration.



Number of Prisoners December 1, 1862 .....	573
Number of Prisoners December 1, 1863 .....	545
Pardons during Year.....	21

#### REPORT OF THE ATTORNEY-GENERAL.

This report sets forth the proceedings of the year connected with the Attorney-General's office, and the statistics of that department.

The recommendations made by him, and his reasons for submitting them, are treated in detail, and an inspection will show them worthy your careful consideration.

#### CODIFYING THE LAWS.

I would again, as I have once before, urge upon your attention the absolute necessity of a thorough revision and codification of the laws of California.

Citizens not versed by constant familiarity with their contents, and desirous of investigating the laws, stand aghast as they survey the fourteen ponderous tomes that constitute the statutes of this youthful State, and young aspirants to professional fame tremble as they cross the threshold that leads into this intricate abyss.

An Act authorizing the appointment of a Commission to attend to this important duty would be hailed with satisfaction by the professional students of California Law, and by all others who may have occasion to investigate the statutes.

#### GEOLOGICAL SURVEY.

According to the Report of the State Geologist, he is steadily and industriously prosecuting his important and interesting labors. In it he indicates what is necessary to be done in order to continue the survey, and to perfect what has already been done. The contributions to science, and the immediate and prospective advantages to our State, which it is believed will follow a publication of the forthcoming volumes, will prove the wisdom of creating the office of State Geologist and of continuing its existence.

A visit to the Geological Rooms in San Francisco will show that the work has been intrusted to skilful and effective hands, and I commit the continuance of the survey and the services of Professor Whitney to your intelligent consideration.

#### MINES AND MINING.

The question of taxing the mines by the General Government, which was agitated at the assembling of the last Legislature, seems to have subsided, and it is to be hoped will never be revived.

The past year's experience continues to show the inexhaustible character of our mineral wealth. In relation to the mining interests of the State, I have nothing to add to or take from my views as expressed in my last Annual Message. It is an interest that should always be fostered as the foundation of our prosperity.

## SURVEYOR-GENERAL'S REPORT.

The voluminous Report of the Surveyor-General gives a careful and comprehensive exhibit of all the interests connected with his office and the State Land Office. His statistical tables present the condition of the various grants of land made to the State by Congress, for School and other purposes, and the amount of sales under each grant, and the number of acres remaining unsold.

Aside from the Tide Lands that belong to the State, the quantity of which cannot be accurately ascertained, California has become possessed, under the provisions of various grants, of the following amount of land :

Grant of 16th and 36th Sections, say.....	6,755,000
Grant of Swamp Lands.....	1,500,000
Grant for Internal Improvements.....	500,000
Grant for a Seminary of Learning.....	46,080
Grant for Public Buildings.....	6,400
Grant for Agricultural College.....	125,000
Total Acres.....	8,932,480

Of these lands there have been disposed of, up to November twentieth, eighteen hundred and sixty-three, the following amounts :

Of School Lands, (500,000 acres grant).....	498,956.83
Of School Lands, (16th and 36th Sections).....	399,288.66
Of Seminary Lands.....	42,526.82
Of Public Building Lands.....	5,618.82
Land Warrants under Act of April 23, 1858.....	22,412.00
Land Warrants under Act of April 18, 1859.....	61,600.00
Swamp and Overflowed Lands.....	687,768.42
Tide Lands.....	3,732.04
Total acres disposed of.....	1,721,904.59

Thus it will be seen that, large as the sales have been up to this time, there are yet more than seven millions (7,000,000) of acres of Public Lands still to be disposed of. This vast interest of our State is one that grows in importance from year to year, and as the interior becomes developed by population and labor, the sales of Public Lands will proportionately increase.

A great portion of the Surveyor-General's Report this year is taken up with a detailed history of the progress of the

## EASTERN BOUNDARY SURVEY.

In view of the repeated questions of jurisdiction that were brought to my notice during the first year of the present Administration, and which were, last winter, the subject of a Special Message to the Legislature. I recommended in my Annual Message, the passage of a law appointing

Commissioners to act in conjunction with the authorities of Nevada Territory, in determining the location of the boundary line as recited in the Constitution of our State.

The Act of April twenty-seventh, eighteen hundred and sixty-three, was passed, authorizing and empowering the Surveyor-General of California to run, measure, and mark the line, and twenty-five thousand dollars (\$25,000) set apart in the State Treasury to meet the expenses of the survey. As soon as the season would admit, the Surveyor-General commenced his work, and kept it up until driven from the line by excessive cold weather. The details of his work will be communicated to your honorable bodies by the Surveyor-General, as required in the Act under which he made the survey. The line, as run thus far, places Honey Lake Valley, the scene of principal disturbance growing out of disputed jurisdiction, within the limits of California. On the other hand, the flourishing Town of Aurora, and some of the better portions of Mono County, are found by this new survey to be within the Territory of Nevada.

To prevent future embarrassing questions arising from a state of uncertainty in the boundary, it is desirable that the survey should be completed as early as possible; and to do this, a further appropriation will be needed. When the line shall have been run its entire length, and been accepted by this State, by Nevada, and by the General Government, we shall have a just claim for reimbursement of expenditures incurred in commencing and completing the work.

#### COMMON SCHOOLS.

At the date of my last Annual Message there had been purchased by the Board of Examiners, under the Act of March sixteen, eighteen hundred and fifty-nine, bonds of the civil funded debt of the State, to the amount of one hundred and twenty thousand dollars, (\$120,000;) and since that time there have been purchased additional bonds to the amount of forty-one thousand five hundred dollars, (\$41,500.) Total amount purchased and now held in trust by the Treasurer of State, under that Act, one hundred and sixty-one thousand five hundred dollars, (\$161,500.)

At that date there was a sum of four hundred and seventy-five thousand five hundred and twenty dollars (\$475 520) due from the General Fund of the State to the School Fund, which had, under previous Administrations, been received for School Lands, and diverted from its sacred destination to pay the ordinary claims upon the Treasury. I then indicated the palpable injustice of such a state of things, and advised the passage of a law whereby all bonds of the State, redeemed thereafter, instead of being cancelled, should be transferred to the School Fund until the above amount was realized. Such a law was passed, and approved April fourteenth, eighteen hundred and sixty-three.

Under the provisions of that Act there have since been purchased and placed in the hands of the State Treasurer bonds to the amount of one hundred and seven thousand dollars, (\$107,000.) This gives an aggregate of two hundred and sixty-eight thousand five hundred dollars (\$268,500) of seven per cent State bonds, to the credit of the School Fund, while at the commencement of the present Administration there was but seventy-nine thousand dollars, (\$79,000.) By that Act this Fund will be from time to time augmented, until there is a further addition of

three hundred and sixty-eight thousand five hundred and twenty dollars (\$368,520) added to it, in interest paying bonds.

The School Fund is placed upon a legitimate basis, and it is not probable that the moneys received from the sale of School Lands will again be diverted from their proper depository. As the railroads that are being built in different portions of the State extend into the interior, the demand for these School Lands will increase, until the Fund realized from their sale will swell into proportions that will make it a credit to the enlightenment of our time; and the annual interest derived from the Fund will take the place of the additional taxation that must until then be resorted to to meet the wants of our Common Schools. Until this result is attained, it will be a privilege, as well as a duty, for our people to tax themselves liberally for the support of those institutions which serve as the base and the chief corner stone of republican liberty.

Had the system of Common School education that prevails in our Northern States found an early entrance and been nourished into life in those States that are now at war with the Union, the civilization of the nineteenth century would never have been shocked by the rebellion that now disgraces its annals. At the North the principle of education is the governing law that binds into a solid phalanx that proud array of free communities. At the South ignorance rears on every side its hideous front, until the masses are steeped in the degradation that has for years been preparing by their unprincipled leaders. The North is united in battling for a principle which education has taught them to be the very life of their institutions. The South will become assimilated to the intelligence and loyalty of the Union as soon as the result of our victories shall have dispersed the cloud of ignorance that has, with them, overshadowed the causes and consequences of the unnatural contest.

Let us then, as Californians, take these lessons to ourselves, and, rather than allow our Schools to languish, take every legitimate means to elevate their standard and insure their success.

As will be seen by the Report of the Superintendent of Public Instruction, there is a wide field of usefulness that has hitherto been but superficially cultivated. He finds the number of white children in this State, between four and eighteen years of age, to be seventy-eight thousand and fifty-five; under four years of age, thirty-nine thousand and eighty-one; white children of all ages attending Public Schools, twenty-nine thousand four hundred and sixteen; attending Private Schools, nine thousand one hundred and fifty-eight. This leaves about forty thousand children between four and eighteen who attend no School. The average period in which Schools have been kept during the School year of ten months, is five and four tenths months. The average daily per centage of attendance on the whole number of children between four and eighteen, is twenty-five per cent. Amount received from all sources for support of Schools this year is five hundred and eighty-one thousand and fifty-five dollars and seventy seven cents (\$581,055 77.)

#### REPORT OF THE SECRETARY OF STATE.

The report of this officer gives a detailed statement of the affairs in his department, with such recommendations as his experience has suggested.

I respectfully refer them to your consideration.

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## AGRICULTURE AND ITS INTERESTS.

The appropriations by the last Legislature for the benefit of the various Agricultural Societies were of the most liberal character. For the use of the State and parent institution, the sum of four thousand dollars (\$4,000) was appropriated; for the four District Societies, the sum of eight thousand dollars (\$8,000); and for each County Agricultural and Mechanical Society, the sum of five hundred dollars (\$500.) These appropriations were made with the condition that each society should raise an equal amount, hold a Fair, and pay it out in premiums to exhibitors. But two counties in the State—Humboldt and Santa Clara—have applied for the five hundred dollar (\$500) appropriation. Warrants have been drawn for those and the District Societies, except for the San Francisco Bay District, which held no Fair this year. The interest that always centers around the State Fair was this year enhanced by the entry of various products to compete for the State premiums offered by the Legislature of eighteen hundred and sixty-two. Of these, the Board of Judges, after a careful examination of the specimens exhibited, and of the evidences of their growth during the year, awarded premiums for cotton plantation, turpentine, resin, tobacco, and tar. In the production of turpentine, resin, and tar, developed and stimulated as it no doubt has been by the offering of these premiums, the State will reap an immediate reward. Already large tracts of pine lands have been taken up for its manufacture, local rules regulating the cutting and tapping of trees have been adopted, and a large amount of capital has been invested to open up this new branch of California industry. The cultivation of tobacco, too, is receiving a good deal of attention, and will become in a few years an important staple of our State. Hops of a superior quality have been raised, and were exhibited at the late Fair, but not in quantities sufficient to obtain a premium. In sugar, hemp, coffee, and other articles, experiments are being tried which promise ultimately to be successful. The culture of cotton has been commenced in various places, with varied success—one field of seventy acres, it is believed, would have furnished an average yield had not an early frost blighted the opening bolls. These brief statistics will indicate to you the beneficial results that have followed the action of your predecessors in their desire to foster the agricultural and manufacturing interests of our State. To the thoughtful citizen of California, who indulges in retrospective glances over a period of fifteen years, there is no subject that fills his mind with so much pleasure as the advancement we have made in the science of agriculture. From a State entirely at the mercy of others for the comforts and necessities of life, we have risen to an independent position, and in some productions take precedence of all other States in our annual aggregate yield. If we have attained these ends during a decade and a half, what glowing results may we not anticipate at the expiration of another fifteen years? We may then find the floods that are now the subject of annual dread subservient to the flowing and draining of rice plantations. We may see vast fields of cotton advanced to early maturity, and opening their white bolls to the genial rays of our September suns. As we now lead all other States in the production of wine and barley, we may then rival Louisiana in the production of sugar, Virginia in tobacco, and Kentucky in hemp. And while the trade and staples of North Carolina are languishing under the blighting influence of secession, the mountaineers of California may snatch from her grasp the distinction of being the chief tar State.



## MANUFACTURES.

The law of eighteen hundred and sixty-two is intended to foster, not only agriculture, but manufactures. At the State Fair of this year, premiums were awarded for the manufacture and exportation of blankets, woolen drawers and undershirts, and for the manufacture of boots and shoes, printing paper, and glass bottles. Efforts are being made, on a large scale, to introduce the manufacture of raw silk into the State, and it is anticipated by one of the parties engaged in the experiment, that in a few years, with ordinary success in the cultivation of his mulberry trees, he will be able to claim the premium of two thousand dollars for the production of the first thousand pounds of silk.

## MIGRATION AND EMIGRATION.

During the year just passed, the people of California have exhibited the same energy of character and indomitable perseverance which in former years have given the State a standing and a name among the proudest commonwealths of the nation. The emigration that hastened to her shores from other States has been of a class that is calculated to add stability to our homes and permanency to our institutions. But each year, and in this especially, we have suffered from the peculiar excitements that follow the discovery, or the imagined discovery, of new regions of wealth. Our population is extended over a vast territory, many with no tie to bind them to any particular spot, and no ambition to surround themselves with the endearing associations of a permanent home. They thus become migratory in their character, and with an impulsive energy that belongs to a Californian's life, they sever the weak relations that have for a few months, perhaps, bound them to one locality, and seek a distant region for the employment of their enterprise. This has been, and will continue to be, a serious obstacle in the advancement of our vigorous State, and will only be obviated when lines of internal improvement extend into the neighboring Territories, upon which our citizens can be transported in a few hours to the scenes of these fabled discoveries, and in a few hours more return to find the prospects among their own hills and mountains as promising as the new fields they have so lately visited. Now the transit, and the preparation for it, occupies weeks and months, and when the removal is accomplished, there is no local attachment to induce, with exhausted means, the wanderer to return.

It is for reasons like these that the assessable property of the State has not increased to the extent anticipated by your predecessors.

## PACIFIC RAILROAD.

To this great work the last Legislature made an appropriation creditable to its sagacity and the enterprise of the State. Although the benefit thus bestowed is not yet available, still the construction of the road is progressing as rapidly as could be expected under the disturbed condition of the country and the consequent want of confidence on the part of capitalists; but its progress is not such as the interests of the State require.

The published reports and surveys show that there are no natural obstacles to prevent the completion of the road to the State line within two years. All that is required to insure this desirable result is the

possession of pecuniary means. The want of these arises, as well as can be ascertained, from no lack of confidence on the part of the people of our own State, but because there is not that surplus capital in the hands of individuals to loan, and stock subscriptions do not commend themselves where dividends may not be early anticipated, and where loans are obtainable that command an interest of about two per cent per month.

Capitalists abroad, independent of the want of confidence induced by the unsettled condition of the country, are naturally timid about investing their means in a work of its magnitude so far from their immediate supervision, and before such an amount of work has been done as to fully demonstrate it as a reliable security. But with all these disadvantages, the Directors of the railroad are confident of completing the first fifty miles within the time required by the Act of Congress. It is to be regretted that much more may not be expected with entire confidence. The aid of Congress is not soon enough available to insure that rapid progress which the amount appropriated would otherwise secure. When the work is completed to the State line, its chiefest barriers will have been removed, for beyond that point there is no difficulty in grading the road, and its progress thence eastwardly is only a question of how fast the track can be placed.

In considering the importance of this road to the State and nation, it is a source of unspeakable regret that it should be delayed in any particular longer than the physical obstacles to be overcome compel. It will be the great highway of the commercial world, and its completion will give to our State population to develop its resources, trade to build up its cities, and unfailing markets for all its productions; indeed, it insures to California a future of prosperous greatness that bewilders the imagination.

In a military point of view, it is also of transcendent importance, for it will secure us from all foreign aggression by the facility with which troops can be concentrated here to overwhelm any force that could possibly be brought against us. The security it will give in this respect alone will be of incalculable value to our State and to the nation itself. And when the work shall be entirely completed and in use, it will become such a necessity to the vast trade of the world that its whole commerce will be interested in its safety, and, as a consequence, desire to maintain peaceful relations with the nation that controls it.

No more could the commercial world dispense with the use of this road when once their relations have been regulated and accommodated by it, than could the West dispense with the great lakes and the Erie Canal, or the Northwest with the Mississippi River.

It is, then, a military as well as a commercial necessity; and whether in peace or in war, its rapid construction is a question that commends itself in forcible terms to every citizen of California. The inauguration of the work in a sister Territory has recently been, in an especial manner, the subject of congratulatory dispatches from the highest National and State officials; and henceforth a spirit of generous emulation will be awakened, which will give to our State an opportunity to add to her reputation for enterprise, which she has enjoyed so long in this the most enterprising age the world has ever seen.

#### PEACE OF THE STATE.

It is a noble commentary upon the peacefulness of our inhabitants,

that there have been so few outbreaks of a concerted character to disturb the State during the year eighteen hundred and sixty-three. Peopled as she is by representatives from every nationality on earth, her internal affairs have been locally administered with commendable order, and with but slight and temporary deviation from the strict rule of precedent and of law.

The judicial tribunals have heard with patience, and decided with justice, the crimes that have come before them, and as a general thing, the people have learned that it is better to place their dependence upon regularly organized Courts, than to resort to the summary proceedings that too often prevailed in the earlier history of the State.

#### STATE LIBRARY.

According to the Report of the Secretary of State, there has been received for the Library Fund during the last year, twenty-three thousand four hundred and fifty-seven dollars and sixty-seven cents (\$23,457 67.)

The State Librarian informs me that the number of books now on hand in the Library is twenty-six thousand four hundred and thirty-four. Number added during the year, four thousand one hundred and fifty-six, of which, three thousand eight hundred and seventy-eight volumes were purchased.

The additions of this year have been mostly of a miscellaneous character, and embrace works of a rare and important nature. The Library is now on a most substantial footing, and the funds at its command, and that will come in for its use, may make it the most desirable Library in the country.

#### INDIAN AFFAIRS.

The year that is drawing to a close, like most of those which have preceded it in the history of our State, has been no exception in the matter of Indian hostilities. In various districts the tribes that have heretofore given most trouble have this year committed their usual depredations, and in some localities the most brutal murders have been the result of their savage incursions.

This state of things will continue until the Indian affairs of California are placed upon a different basis. The conclusions to which I arrived in calling attention to this subject a year ago, I have seen no reason to change, and when the General Government shall have conquered a peace from the white rebels who are threatening its existence, it will have ample means to devote to the consideration of their copper colored allies that infest the skirts and borders of our civilization.

From General Wright, the Commander of the Department of the Pacific, I have invariably received all the aid which his limited means would allow in the subduing of these hostile tribes. But in a field so vast, and a frontier so extended, no amount of watchfulness, with a few thousand troops, would avail to guard at all times every threatened point.

#### CALIFORNIA VOLUNTEERS.

The immense scope of territory that is occupied and protected by the volunteers of this State in the service of the United States, is sufficient evidence of the efficiency with which they have been organized. Over the vast plains of Arizona and New Mexico, to the confines of Texas,



our columns have pushed their way, overcoming all obstacles, whether partaking of the fatigues of the desert, the presence of hostile Indians, or the threatening aspect of domestic enemies.

Their contiguity to the Mexican boundary has doubtless done much to keep down that spirit of sedition that the character of the emigration from California and from the East to Sonora was calculated to foster.

Over the plains, to the great valley of the Salt Lake, other columns have found their way, giving protection to the Overland Route—chastising the Indians wherever found in hostility, and giving a permanency to the rising strength of that region, and an immunity from Indian depredations which they never before enjoyed. In various portions of our own State, from the borders of Oregon to its extreme Southern limit, other companies and detachments of California Volunteers are stationed to protect our frontiers, and to hold themselves in readiness for any emergency that may arise in their neighborhood.

The suggestions which were indicated in my last Annual Message, on the propriety of allowing our volunteers, in whatever field of duty they were ordered, to exercise the elective franchise, were happily inaugurated by the last Legislature; and it is a pleasing reflection that the law thus passed added thousands of Union votes at the late elections.

#### THE SANITARY FUND.

California, as a State, by her remote position from the theatre of war has not been able, to any great extent, to place her volunteers into the active field where so much glory has been won by her sister States of the Union. In order, however, to vindicate her loyalty, and to assert in unmistakable terms the veneration she feels for the free institutions that have given her birth—to uphold and strengthen the hardy veterans in those distant States who, whether in victory or in disaster, present an unflinching front to the traitor hordes who would destroy those institutions—she has had reserved for her another and a peculiar duty. Following closely in the rear of our marching armies, and hovering oftentimes in dangerous proximity to the fierce encounter of the battling hosts, there is an organized commission that watches the changing tide of events with unflinching courage and with untiring anxiety. When the battle ends, the work of this organization begins; and terrible as are its details, the grandeur of its operations has become the theme of the nation's praise. The United States Sanitary Commission is one of the features of this rebellion. While its objects are of the most peaceful and Christian character, it never shrinks from the dread realities with which it is constantly surrounded. It is a moral adjunct that follows and tempers the exciting scenes that have created its necessity, and the soldier watches the floating emblem of its presence with a consciousness that his fortunes are overlooked with zealous and unceasing care.

While to the other States of the Union is accorded the glorious privilege of sending their quotas of volunteers into the field, the honor has been given to California of being the foremost State in sustaining the sometimes depressed fortunes of that organization which has so earnestly, under all circumstances, pursued its work. And whether our minds wander among the sacred scenes that have been baptized in the blood of the brave Army of the Potomac, or follow the noble hosts that are gradually but surely restoring to the Union the South and the Southwest, we cannot doubt that during the long watches of the night, from thousands of prostrate forms, lying in soothed repose among the

hospitals of the Sanitary Commission, there rises the heartfelt invocation that God will prosper the Golden State.

She has done—she is doing—a memorable work; and the armies of the Union may be assured that her efforts will not cease as long as the fearful incentive remains to inspire her generous instincts.

#### STATE MILITIA.

From the Report of the Adjutant-General, it appears that the organized militia of the State comprises at this time one division, six brigades, five regiments, four battalions, and sixty-two companies unattached; forming in the aggregate a force of eight thousand four hundred and eighty officers and men. This number is made up of companies as follows:

Infantry Companies.....	95
Cavalry Companies.....	15
Riflemen Companies.....	8
Artillery Companies.....	3
Sappers and Miners Company.....	1
Total.....	122

The organizations during the year have been:

Infantry Companies.....	41
Cavalry Companies.....	11
Riflemen Companies.....	4
Artillery Companies.....	2
Total.....	58

Under the Act of April twenty-fifth, eighteen hundred and sixty-three, amendatory of and supplemental to the Militia Law of eighteen hundred and sixty-two, there has been held one Camp of Instruction and four Brigade Encampments. The Adjutant-General estimates the cost of these Encampments to the State at one hundred and forty thousand dollars, (\$140,000), exclusive of camp equipage, which the State now owns, and which, with care, may be used for the same purpose for years. This estimate gives an expenditure for transportation, pay, and subsistence, of thirty-five dollars to the man, or three and a half dollars (\$3 50) per day for the ten days they were in camp. For details of these expenditures and their probable results your attention is called to the thorough exposition of the Adjutant-General.

Independent of their necessary cost, the policy of maintaining Brigade Encampments may be questioned, on the ground that they may seriously interfere with the willingness of our citizens to enter the volunteer force, knowing that they will be subjected to the loss of time from their ordinary avocations, in attending to this duty as required by



law. Men can devote the necessary time for company drill, and are willing to do so, while the attendance upon a distant encampment might involve a more serious sacrifice than they would voluntarily incur.

The last Legislature provided for the support of armories for the different companies a sum not exceeding fifty dollars (\$50) per month; for each regiment, one hundred and fifty dollars (\$150) per month; and for light batteries, not *less* than two hundred and fifty dollars (\$250) per month. In the aggregate these appropriations will be found to swell to a large and burdensome amount. This should be remedied. Our expenditures for military purposes are in any event necessarily large, and in view of the importance of sustaining the militia upon a sound and permanent footing, there is an especial reason that the appropriations therefor should be made in a spirit of wise and judicious economy. This term cannot be applied to the experience of the last year, and I would particularly urge you to consider what may or may not be required to maintain in an efficient manner, and at the same time to increase the militia organizations of our State.

In serviceable arms and equipments for the companies already formed the State is deficient. While the question of supply was under discussion in the Legislature last winter, and a proposition was before it for arming the State, I was informed by the Secretary of War that arms should be forwarded to this State to the extent of five field batteries (rifled guns), nineteen thousand improved muskets, three thousand sets cavalry arms.

This information was received from the War Department in a telegraphic dispatch, on the twenty-fifth of March, eighteen hundred and sixty-three, and its general features were communicated to the Senate on that day. The State has received since that period three thousand muskets, six hundred pistols, and a few old style rifles. As the number of our organized militia increases, the necessity of having a full supply of arms becomes more and more apparent, and I would call the attention of the Legislature once more to this important question.

A militia, well organized and equipped, is a reliable means of defence, and the cheapest that can be devised; and while it has no tendency to overawe or endanger the liberties of a State, it will always prove in times of great danger a more powerful force than any regular one that could be maintained, or that safety would admit. A few millions of dollars, equal only to the cost of supporting a few regiments of regular troops, appropriated each year by the General Government, for a thorough development of the militia system, would secure to it a force sufficient for any emergency. There is a well founded impression existing, that in the future the United States must have a strong military force to rely upon, but I trust the nation will never fall into the folly of maintaining a large standing army.

Neglected as was our militia force previous to the breaking out of the present war, we have still seen that the people have been equal to a more trying emergency than can with reason be expected to occur again. Never dangerous, and always powerful, let our dependence rest chiefly upon this arm of power for protection. I do not apprehend that, when the rebellion is deprived of its large armies and usurping Government, there will be a necessity to keep up a large force in the districts that have been the scene of strife. Guerrilla bands can only prey upon the people for whom they profess friendship, and upon their heads the punishment will fall. This is a strong guarantee against that class of marauders, who, when their usurping Government, with its large armies,

has disappeared, would degenerate into mere robbers and public plunderers, and become amenable to the civil authorities.

#### HARBOR DEFENCES.

It is with peculiar gratification that I have to record the prompt action of the War and Navy Departments in providing means of defence for the Harbor of San Francisco. To the last Legislature I recommended that "earnest representations should be made to the National Government for complete protection to the Harbor of San Francisco." Those representations were made, and already a first-class iron-clad vessel has been built, and has arrived in that harbor. Owing, however, to an unforeseen disaster, there will be much necessary delay in reconstructing the vessel for active operations. Meanwhile, competent engineers have made a thorough survey of the shore lines, between the city and the Golden Gate, and active operations are already commenced for erecting additional fortifications and water batteries.

#### THE NATIONAL CURRENCY.

The subject of the currency of the country at this time engages much of the public attention, and is one that addresses itself to the patriotism of the people as well as to their immediate financial interests. In its adherence to gold and silver as the standard of trade, California stands alone among the States of this Union, and forms an exception to the general business policy of the civilized world. Occupying this anomalous attitude, besides being a gold producing State, and interested in it as an article of trade and export, it may well be a question of deep consideration whether her position is wise and beneficial.

There is in circulation in the Atlantic States hundreds of millions of paper currency, issued under the sanction of Congress, and accepted by the people. This vast issue is stimulating the productive energies, and developing the wealth of those States, until, even with the enormous burdens of the war, the loyal portion of the country is actually more prosperous than ever before, in all the material evidences of wealth.

Here, in California, the enterprise that would develop our unbounded resources, is checked and repressed for want of capital, while the necessary amount to supply the deficiency, is waiting at our doors to have its entrance invited and its standard of value adopted. To my mind this condition of affairs is enough of itself to make us pause and consider our position; but the higher, holier, and nobler question of patriotism is also involved.

In a time the most trying, when the salvation of the country was at stake, Congress, in the exercise of its constitutional power of supreme control over the currency of the land, has by solemn enactments decreed what shall and what shall not be a legal tender for the payment of debts; and under the provisions of those enactments has issued promissory bills under the name of Legal Tender Notes, declaring them lawful money in payment of all debts, public and private, within the United States, except duties on imports and interest on the Public Debt.

It was an act of wise and urgent necessity on the part of the Government, providing, as it did, means of suppressing the insurrection that was taxing all its resources. Its wisdom is evident, because it appealed, not in vain, to the loyalty of the people to maintain the credit of the

country, and rendered a draft on the present and future generations immediately available. Had the people discredited and refused to receive the currency so provided, it is not difficult to imagine what might have been the disastrous consequences.

Shall we, as a community, permit ourselves apparently to occupy a position of hostility to the General Government, whose honor and fidelity are assailed at home by domestic enemies, and watched from abroad by jealous and threatening powers? Shall we not rather do all we can to sustain her as she stands, face to face with the world, armed in the splendid panoply of her credit, faith, and integrity—a credit never equalled, a faith never violated, and an integrity above suspicion. The power she has displayed, and the means she has developed to uphold that power, challenge at once the fear, the respect, and the admiration of her foes, whether open or covert.

Is it not a question of paramount importance how we shall treat the currency established by the United States, and one worthy the duty we owe to the parent Government, and that we should take a stand such as we should desire to occupy in history? Let us determine then by our action in no degree to embarrass the great central power, or do aught to impair public confidence in National affairs. Let no considerations of temporary advantage, or desire to avoid temporary inconvenience, sway our actions, or turn us from that course which duty and patriotism may point out.

If there be a doubt of the course for us to pursue, whether we shall or shall not favor the general circulation of United States Legal Tender Notes, let us give the benefit of that doubt to the side of our country. Let us, while faithfully meeting obligations already incurred, provide that in the future the State shall receive into and pay out of her Treasury, without distinction, the legal currency of the country.

#### FEDERAL RELATIONS.

For nearly three years our National Government has been engaged in efforts to suppress the most gigantic rebellion known to history, either ancient or modern. At the adjournment of the last Legislature, and for some time subsequent, there was a spirit of gloom that seemed to lower over a portion of the North, that invited dissensions and accumulated feelings of distrust. The elections in some of the States indicated an organized opposition to the policy of the Administration, and in some instances the minds of loyal men were appalled at the contemplation of a divided sentiment and a divided purpose. In the midst of all, the aspect of our foreign relations was in many respects doubtful, it being the general belief that some of the European Powers would take advantage of our temporary disasters to urge their threats of Southern recognition, and to lend not only their sympathy but their aid to give Southern pirates an outfit to prey upon our commercial marine. But the victories of July marked a revolution in our affairs. The dissensions that had crept into the loyal States, the doubts that prevailed as to our ultimate success, and the growing fear of foreign intervention, were overcome in the glories of Gettysburg, Vicksburg, and Port Hudson. Other triumphs have since followed the National arms, and the people have spoken in unmistakable tones through the ballot boxes of the loyal States their purpose to support the Administration, and they have evinced in language not to be misunderstood, their detestation of the black conspiracy that has so long threatened the beloved institutions of



their country. With this sentiment, strengthened as it will be by every victory that rewards the valor of our troops, the result of the struggle in which we are engaged cannot be doubtful. The patriotism, spirit, and loyalty of the people will soon succeed in restoring where it rightfully belongs the control of every foot of territory within the National boundaries.

In view of this result, and the consequent near approach of the period for deciding the questions immediately to arise thereafter, it is well to consider the condition in which the territory so recovered will be left, and the new and important duties that will be imposed thereby upon the National Government. California, in common with all the other States that are contending for the Union, has a deep interest in the settlement of these questions. In their adjustment, the future peace and prosperity of the Republic, and of each State, are involved, and if wisdom and firmness prevail to the very end, the loyal people in the recovered territory will be rescued from the anarchy into which they have been plunged by the rebellion. The future destiny of that portion of our country should be so regulated and established as to secure a thorough and effectual eradication of every system not in harmony with the great principles of liberty, which form the foundation of our republican institutions. In this regard the rebellion is not an unmixed evil, for while its existence is to be deplored, it gives to the loyal States, in the night of their success, the opportunity and the right to act for the greatest good of the whole country.

The persons who now fill the public offices in the seceded States, are no longer performing, nor are they capable of performing, the duties imposed upon them by the Federal Constitution. By their treason they have incapacitated themselves, as far as the nation is concerned, having publicly renounced their allegiance to the United States, and asserted their sworn fidelity to a new and hostile government, called the "Confederate States of America." They are, in fact, enemies, conducting hostilities against the national power, under an organization foreign to the Constitution under which alone they could claim existence. They have renounced and forfeited all rights, privileges, and powers conferred by the Constitution, and are struggling, with all their energies, to secure and maintain their independence as a new and antagonistic power. Hence, it may be assumed as an unquestionable fact, that in the rebellious territory, State governments, as recognized by the Constitution of the United States, have ceased to exist; and when their treasonable organizations have been obliterated, the people will be without local government, and dependent entirely upon the great central power, which, with its laws extending over all the national boundaries, precludes the idea that the people within their limits could fall back upon those original rights which belong to communities in a state of nature, and attempt to organize governments independent of all others. Such action would be foreign to the Constitution and laws, and would not be recognized by the nation. The importance of considering this state of affairs is better appreciated when we consider the true issues involved in the struggle that convulses our land.

While on our side it is one for the preservation of the Union and the integrity of our national boundaries, it becomes more and more apparent as it develops itself, that the contest is also one of principles, and gigantic as are its proportions, there is in its moral consequences a sublimity and grandeur that overwhelms its material results. It is the never ending strife between freedom and oppression, involving in its re-

sult the question of free government for the civilized world. Our country is the battle ground upon which the decision, which will be a controlling one for a long time to come, is to be made. The issue has been fully made up, and entire victory perching upon either banner can only determine the result. Bearing this in mind, let us deal with things as they are, *untrammelled by precedent*; let our action be in harmony with the issue, so as to secure liberty and Republican Government to all, as the fruits fairly earned by the unprecedented sacrifices we have made to consummate the victory.

State Governments having ceased to exist in the rebellious territory, let such laws be provided for them as shall secure to them for all coming time, liberty, loyalty, and domestic tranquility. Should a loyal State neglect or refuse to maintain a State Government, would it not lapse into an abnormal condition, which would at once require the central power to provide for it in accordance with that provision of the United States Constitution, which guarantees to every State a republican form of government? In what respect, and for what reason, then, should the rebel territory have other treatment? I fail to perceive any. In legislating for the Territories, while treating with the utmost consideration the inhabitants thereof, it is the duty of Congress to consider the welfare of the whole people of the United States, and admit no Territory to become a State, with all the rights and privileges of a member of the Union, until consistent with the safety and political integrity of the nation, and when sound public policy demands its admission.

With this view it might be just and wise that, in re-organizing the rebellious territory, old State lines should be disregarded, and perhaps their very boundaries and names obliterated, so that in the future their loyal inhabitants, taking a just and proper pride in their local institutions and States, shall not unnecessarily suffer the mortification and injury of associating with the history of so vile a rebellion, that was not only against the great principles of liberty and freedom, but sought, with a worse than parricidal hand, and with treachery the most unnatural, the eternal and never to be forgotten infamy of dismemberment and destruction of their common country.

Let the foul blot upon our national escutcheon and upon the humanity of the age be to the greatest possible extent removed forever; and since the fearful contest in which we are engaged is on our part one for the upholding and perpetuating of human liberty and equal rights, let us, upon the field of its successes, erect the proudest evidences of a nation's justice, and its unyielding faithfulness to the principles of a free and equal government. The peace that is to succeed this mighty struggle *must be no ephemeral patching up of old and long discussed feuds*, but it must be founded upon those eternal principles of right which will make it as enduring as the magnitude of the contest demands.

I do not urge all these views as the ones that should absolutely control the action of the National Government. New light and new events will be constantly unfolding, and may require a policy in accordance thereto; and a more intimate knowledge of affairs, with the greater wisdom which must be brought to their direction, may view the field with a different eye.

Upon the wisdom of the present Administration I feel that we may rely with unflinching confidence, for never were a people in the most trying times so favored with leaders who combine prudence, patience, sagacity, and justice to an extent that compels the conviction that an overruling power guides and directs them.

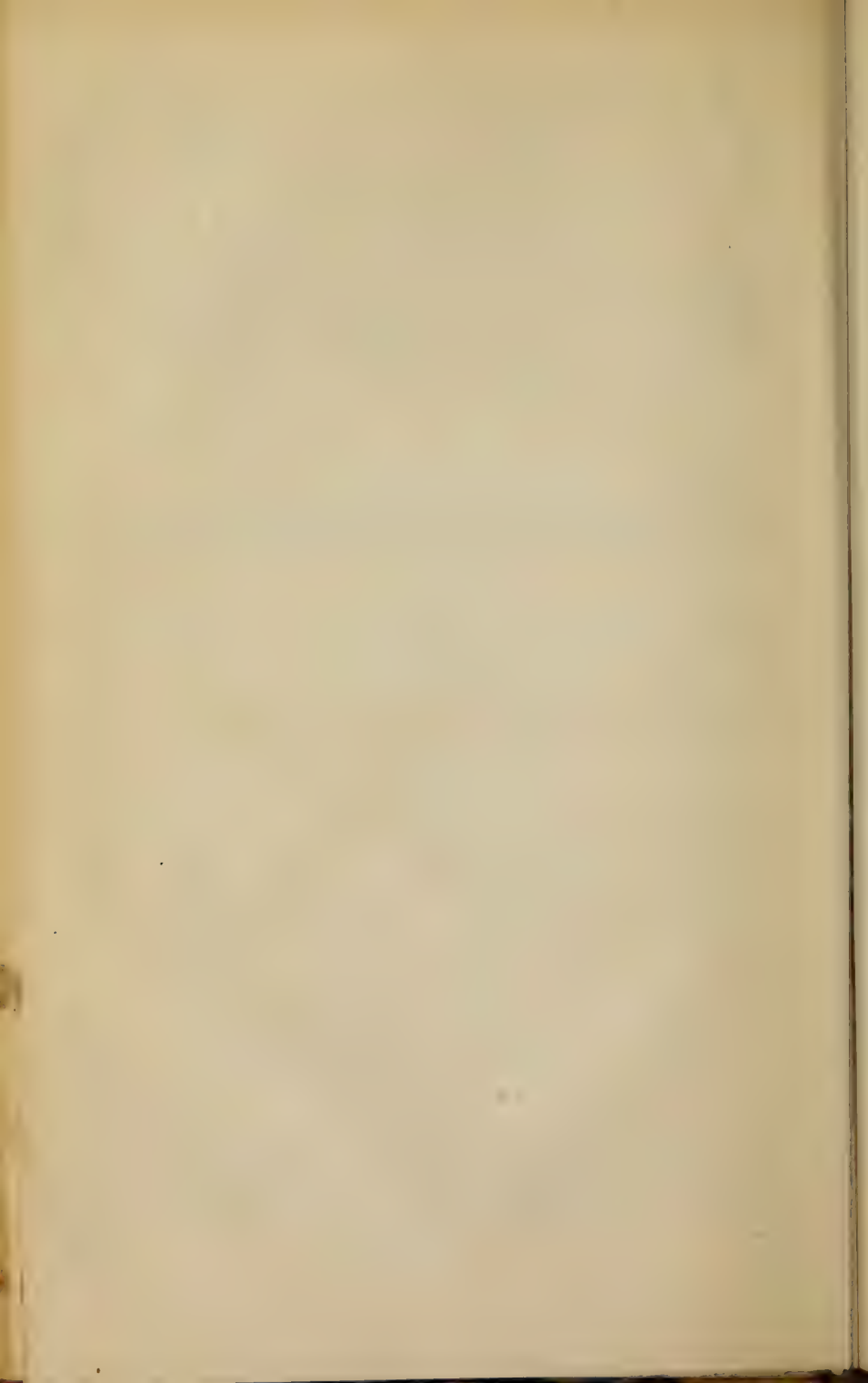


I know not what may be the policy of the National Government, but I have never had a doubt but that it would be one true to the principles upon which it is founded, and though it may not be in all respects what each loyal citizen may deem the best, yet, as the last act of my official life, I would invoke the spirit of loyalty that exists in our beloved State, and urge an undivided support of the Administration in its conduct of the war. Its policy will be developed by and in accordance with the swift current of events; but it is equal to the emergency, and is entitled to the unqualified admiration of the whole country. And when the contest is decided, as it will be decided, by the unquestioned triumph of right, we shall be able to look forward to a future of internal peace and public prosperity, and a growth in power and in the elements of greatness that will make the name of American citizen the proudest title that can be conferred upon man.

LELAND STANFORD.

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NOTE.—No reports received at the Executive Department from Swamp Land Commissioners, State Reform School, or State Normal School.



APPENDIX

TO

GOVERNOR'S MESSAGE.







## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2480.....	John Walsh.....	Manslaughter.....	Sacramento...	3 years.....	That the said Walsh was tried as an accessory before the fact, and that the evidence indicates that he was not present at the commission of the crime.	Judge J. H. McKune, Hon. E. H. Hen- cock, Hon. B. B. Redding, Hon. A. A. H. Tuttle, James B. Saul, N. G. Cur- tis, E. B. Ryan, L. H. Foote, C. H. Grimm, Samuel Cross.
	<p>Decision.—Whereas a petition has been presented for his pardon, signed by Judge John H. McKune, who tried the case : by Judge Robert Robinson, Judge S. Solon Hall, John Bigler, B. B. Redding, William Shattuck, L. H. Foote, E. H. Hencock and several of the jury in the case, with many other citizens of Sacramento : and whereas it has been represented by Judge McKune that there is much doubt of his guilt—therefore, let the said John Walsh be par- doned. March 17, 1863.</p>					

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
706.....	James McLane.....	Grand Larceny....	Sacramento...	10 years.....	That he has been maimed in the performance of his duties at the Prison, and that he will leave the State immediately upon his release.	R. S. Dorr; all the officers of the Prison.
	<p>DECISSIO.—Whereas, said McLane, since his confinement in the State Prison, has conducted himself in a manner entirely satisfactory to the different officers in charge of the Prison, always assisting the proper authorities in the discharge of their duties, in consequence of which, in a quarrel with a fellow prisoner, he lost an eye and was otherwise badly maimed; and whereas, he has already served out in an exemplary manner eight of the ten years of his sentence, and has within that time given many evidences of a firm determination to reform. Now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I hereby pardon the said James McLean, and order upon the receipt of these presents that he be discharged from further custody, upon the express condition that he leaves the State of California before the fifteenth day of April next and never returns; that a violation of this condition shall operate as a forfeiture of all the rights and immunities conferred by these presents. March 25, 1863.</p>					





No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2478.....	John Whittage.....	Assault to Murder	Nevada.....	3 years.....	That he lived in the neighborhood of Alleghany for more than a year after the assault, attempting no concealment, and often relating the circumstances; and that the shooting was done in self defence.	Hon. E. B. Smith; Hon. D. Belden; R. H. Farquhar, County Clerk; N. W. Knowlton, Sheriff; Judge A. C. Niles.
	<p>Decision.—Whereas, a petition has been presented to me for his pardon, signed by the Judge and several of the jury who tried the case, and many well known citizens of the County of Nevada; and whereas, it has been represented to me that a strong conviction of his innocence prevails in the community where his trial was had, and that the prosecution of the case was delayed for more than a year after the alleged assault, and until after the death of the defendant's principal witness; and whereas, the said Whittage was for sometime after the alleged assault in the employ of the Honorable E. B. Smith, Member of Assembly from the County of Sierra, who testifies to his good character and behavior during the period of said employment, and that the said Whittage enjoyed his full liberty until the death of his principal witness, when the prosecution was commenced; and whereas, the general belief in his innocence after his trial was so great that he, the said Whittage, was left by the Sheriff of the county to find his own way to the State Prison, and did proceed thither of his own free will—now, therefore, let the said John Whittage be pardoned. April 21, 1863.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2327... ..	James B. Boggs.....	Manslaughter .....	Sonoma.....	4½ years .....	That the testimony in the case was in many points conflicting; that the weapon used was a small pocket-knife, and that the prisoner received the first blow; that his conduct since his conviction has been uniformly proper.	Hon John Currey; Hon. E. W. McKinstry; Hon. C. Harrison; Hon. Pulaski Jacks; Hon. J. F. Chellis; W. L. Anderson, County Clerk; Thomas H. Pyatt, County Recorder; John N. Bailhache, Dr. J. S. Williams, Geo. E. Goodman, G. W. Towle, Sheriff Allen, George Yount, J. G. Brayton, all the officers of the Prison.
<p>Decision.—Whereas, a petition has been presented to me, asking for his pardon from a large number of influential citizens of Sonoma County, including most of the county officers and a portion of the Board of Supervisors, who testify to his former good character; and, whereas, letters have been received by me from Hon. E. W. McKinstry, District Judge, Hon. Edward Stanley, Hon. John Currey, and others, who testify to his previous good character, and petition for his release; and, whereas, letters have been received by me from Hon. J. F. Chellis, Resident Director, and other officers at the State Prison, who represent his conduct to have been good while under their charge—now, therefore, let the said James B. Boggs be pardoned. August 14, 1863.</p>						

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1659.....	Victor Bouley.....	Highway Robbery	Yuba.....	10 years.....	He was convicted with the condition that if he conducted himself as a prisoner for four years in an exemplary manner that the Court would then recommend him for a pardon.	Judge Charles E. Filkins; William Stinger; J. Woodall; F. L. Hatch; D. R. Semple; H. Barrett, Sheriff; C. V. D. Hubbard, U. S. Assessor; Dr. Lorenzo Hubbard; Frank Cook; R. E. Merrill; officers of Prison.
<p>Decision.—Whereas, the said Bouley was recommended by the Court who tried him that in case of his good behavior a pardon should be asked in his behalf; and whereas, the officers of the State Prison are unanimous in their testimony as to his unvarying good conduct since being under their charge; and whereas, a petition praying for his pardon has been presented to me signed by the Associate Justices who presided at his trial, the District Attorney who tried the case, and by other prominent citizens of Yuba County—therefore, let him be pardoned. August 31, 1863.</p>						





No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2306.....	Francis Fugler.....	Manslaughter.....	San Joaquin.....	2 years.....	That he had been honest, industrious, and sober, and has been esteemed as a law-abiding citizen. That his wife is dead, and his children left with only him to look to for care and support.	Hon. Geo. W. Tyler, Gen. P. Ed. Conner, Col. O. M. Brown, Chas. M. Welher, Sam'l Booker, F. C. Andrew, C. T. Meader, Allen Le Bours.
<p>DECISION.—Whereas, petitions have been presented to me, signed by great numbers of well known citizens of San Joaquin and Stanislaus Counties, representing that the said Fugler had, before the act for which he was tried, "been honest, industrious, and sober, even to the hour of his surrender," and had always been a law-abiding citizen; and, whereas, his wife has deceased since his confinement, leaving his children entirely dependent upon him; and, whereas, the officers at the Prison have testified to his excellent character while in their charge—now, therefore, let him be pardoned. November 26, 1863.</p>						

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1830.....	Philip R. Robinson.	Murder 2d Degree	San Francisco	Life.....	That he has hitherto been sober and industrious; that there were mitigating circumstances in the case, he being the party assailed.	John S. Ellis, Sheriff; Hon. P. W. Shepleard; Hon. E. Burke; John H. Titcomb; H. H. Ellis; J. G. Chappell; Henry Johnson; W. H. Silverborn; Sheriff Crippen, Mariposa County; Argenine Reynolds, County Clerk, Mariposa County; all the officers of the Prison.
<p>DECISION.—Whereas, petitions have been presented to me from numerous city and county officers of San Francisco County; from most of the county officers of Mariposa County, and from a number of citizens of Siskiyou County, who represent him to have been a man of honest and sober habits, and one who had the good will and esteem of his fellow-citizens; and, whereas, it is represented that there were many mitigating circumstances in his case, he being the party assailed; and, whereas, all the officers of the Prison, during the last three years, unite in commendation of the good conduct of the said Robinson, and of his usefulness and willingness in carrying out the orders with which he has from time to time been intrusted—now, therefore, let the said Philip R. Robinson be pardoned. November 26, 1863.</p>						

## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2379.....	Alas Frelonget.....	Assault to commit Rape.	Plumas.....	6 years.....	The belief that there are strong doubts of his guilt; the insufficiency of the evidence to warrant a conviction of a crime so unnatural in its character.	Hon. E. T. Hagen, County Judge; John J. Westwood; R. C. Chambers; B. F. Clark; J. R. Buckbee; J. B. Overton; F. B. Whitney; James H. Haun; J. F. Taylor; James Ford; E. P. Grubbs.
	<p>DENISON.—Whereas, several petitions for his pardon have been sent to me, numerously signed by prominent citizens of Plumas County, among others J. R. Buckbee, District Attorney elect, E. P. Grubbs, former Judge of Court of Sessions, B. F. Clark, F. B. Whitney, and several of the Supervisors of the county; and whereas, the Honorable E. T. Hagen writes me "that circumstances have transpired since his conviction which leave a doubt on my mind as to the justice of the same;" and in consideration of his previous good character—now, therefore, let him be pardoned, November 26, 1863.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1493.....	William Keeffe.....	Grand larceny ....	San Francisco ....	8 years.....	That being young, said Keeffe fell into bad company, and that during his confinement he has behaved himself well.	Hon. J. H. Warwick, Judge M. C. Blake, H. S. Brown.
	<p>DENISON.—Whereas, the said William Keeffe is yet a young man, who, by his promises, and conduct in prison, has exhibited a desire to live a respectable life; and, whereas, all the officers of the Prison speak of his conduct in high terms; and, whereas, in a letter from Judge M. C. Blake, who tried the case, and ex-District Attorney H. S. Brown, of San Francisco, they express the belief that the said Keeffe is a fit subject for executive clemency, and ask for his pardon—therefore, let him be pardoned. November 26, 1863.</p>					



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No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1892.....	John McQuade.....	Grand Larceny....	Tuolumne.....	5 years.....	That he was a mere boy in years and experience, and had the larceny been a few dollars less he would long since have expiated his offence in the County Jail : and that during his term of imprisonment he has exhibited a desire to lead an honest life in future.	Hon. G. T. Martin, County Judge; H. P. Barber, District Attorney; Jas. Letford, Associate Justice; E. E. White, Associate Justice; R. E. Robinson, County Clerk; William T. Browne, County Recorder; all the Prison officers.
<p>Decision.—Whereas, a petition has been presented to me praying for his pardon, signed by a number of citizens of character in Tuolumne County, on the ground that he was but a boy in years, and of an age when a youth not properly trained readily yields to temptation; and whereas, a sentence of five years is disproportioned to the offence, the larceny being but fifty-four dollars; and whereas, he has already served out three and a half years of his sentence—now, therefore, let the said John McQuade be pardoned. December 2, 1893.</p>						

Total Pardons during the year.....21.

# RESTORATIONS TO CITIZENSHIP

*Granted by Governor Leland Stanford during the year 1863.*

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2086.....	Simon Lopez.....	Assault to murder.	Sacramento.....	2 years.....	That the prosecutor or injured party was the aggressor, and that Lopez believed he was acting in self defence.	Hon. C. Cole, District Attorney, J. L. Smith. All the officers of the Prison.
	<p>Decision.—Whereas, the said Simon Lopez served out the full term of his sentence, and discharged all the duties imposed upon him by the officers of the Prison in a faithful manner; and, whereas, there is reason to believe that he is determined to reform and become a good and quiet citizen—therefore, let him be restored to citizenship. February 26, 1863.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2342.....	Manuel Gokin.....	Assault with deadly weapon.....	S. Francisco.....	1 year.....	That he served out his full term in an exemplary manner, and, by his conduct, testifies a determination to reform.	Sam'l Platt, John J. Haley, J. C. Marshall, R. F. Ryan, Hon. F. M. Smith.
	<p>Decision.—Whereas, the said Manuel Gokin has served out the full term of his imprisonment in an exemplary manner; and where as, a large number of respectable citizens of the County of San Francisco have petitioned for a "restoration to citizenship" of the said Manuel Gokin—therefore, let him be restored to citizenship. March 21, 1863.</p>					



## RESTORATIONS TO CITIZENSHIP—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
968.....	Francisco Alviso.....	Grand Larceny....	Santa Clara....	5 years.....	That he served out his full term of imprisonment; that he protests his innocence in the crime, and complains of unfairness in being tried away from home among strangers.	Hon. R. Pacheco, Robert A. Thomson, James White, Doctor Albert.
	<p>Decision:—Whereas, said Francisco Alviso served out the full term of imprisonment to which he was sentenced in an exemplary manner, and since then he has been a resident of the County of San Luis Obispo, and a large number of respectable citizens of said county represent to me that he comport himself in every way as a good, moral, well-meaning, and industrious citizen—now, therefore, let him be restored to all the rights and privileges of citizenship. August 21, 1863.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2174.....	Henry Gillespie.....	Receiving Stolen Goods.	San Francisco	2 years.....	That he served out his full sentence, and was always ready and willing to attend to whatever duties were intrusted to him.	E. B. Jennings, and all the Prison officers.
	<p>Decision:—Whereas, E. B. Jennings, Foreman of the Sewing Room at the Prison, in whose employ he was for two years, testifies that he always conducted himself in an orderly manner and to his entire satisfaction; and, whereas, the said Gillespie has served out the full term of his imprisonment with exemplary conduct, as certified by the Prison officers; and, whereas, he manifests a thorough disposition to be a good and worthy member of society—now, therefore, let the said Henry Gillespie be restored to citizenship. November 26, 1863.</p>					

Total Restorations to Citizenship during the year. ....6.



## COMMUTATIONS OF SENTENCE

*Granted by Governor Leland Stanford during the year 1863.*

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 27, 1863	Jacob Greer.....	Murder 1st degree	Butte....	Death.....	That he is a German, and was intoxicated at the time of the homicide; that, in the opinion of the District Attorney, he ought to have been convicted only of murder in the second degree.	Hon. F. M. Smith, John S. Berry, District Attorney, Thos. Wells, P. H. Harris, S. Rosenbaum, Geo. Faulkner, J. H. Middleton.
<p>Decision.—Whereas, at the March term, A. D. 1862, of the District Court held in and for the County of Butte, in the State of California, Jacob Greer was tried and convicted of the crime of "murder in the first degree," and sentenced to be hung on Friday, the 22d day of May, A. D. 1863; and whereas, a respite of seven days was granted to the said Jacob Greer; and whereas, a petition has been presented to me praying for a commutation of his said sentence to imprisonment for life in the Penitentiary of this State, signed by the District Attorney who tried the case, by the Hon. F. M. Smith, member of the Assembly from Butte County, by a number of the Grand Jury of said county, and by a large number of highly respectable citizens of said County of Butte, including members of the legal profession, all of whom express serious doubts as to the justice of the said sentence, the crime having been committed, as these petitioners represent, in the heat of passion and while the prisoner was in a state of intoxication—now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I do hereby commute the said sentence of Jacob Greer to imprisonment for life in the State Prison of the State of California, and I do hereby order and direct the Sheriff of Butte County, upon receipt of these presents, to take the said Jacob Greer and deliver him into the custody of the officers of the State Prison of California, and that he be there imprisoned during the period of his natural life.</p>						

## COMMUTATIONS OF SENTENCE—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 8, 1863.	John Marr .....	Murder 1st degree	Santa Clara..	Death.....	That the Judge who sentenced him held out a hope to him that executive clemency might be asked for and obtained, to the extent of a commutation to imprisonment for life.	Hon. S. B. McKee, District Judge; Hon. A. L. Rhodes, Hon. J. W. Owen, Hon. Alex. Campbell, C. B. Young, A. C. Campbell, W. T. Wallace, D. Divine, Chas. N. Souter, J. Alex. Yoell, Sheriff Kennedy.
<p>Decision.—Whereas, at the May term, A. D. 1863, of the District Court held in and for the County of Santa Clara, in the State of California, John Marr, alias "Wild Cat," was tried and convicted of the crime of "murder in the first degree," and sentenced to be hanged on Friday, the 10th day of July, A. D. 1863; and, whereas, a petition has been sent to me praying for a commutation of his said sentence to imprisonment for life in the Penitentiary of this State, signed by numerous highly respectable citizens of Santa Clara County; and, whereas, it appears from the evidence presented, to me by the Hon. S. B. McKee, District Judge of the Third Judicial District, before whom the said case was tried, that the said Marr had borne a peaceable character, while the person killed had been noted for his quarrelsome disposition, that the killing had been preceded by numerous threats on the part of deceased, such as: "I'll have the Wild Cat's skin before night;" and, "that he had tried for the last two months to kill him, and now was as good a time as any to try it on;" and that the crime was committed in the heat of a quarrel, brought on and instigated by abusive language on the part of deceased toward the said John Marr—now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I do hereby commute the sentence pronounced by the Court upon the said John Marr to imprisonment for life in the State Prison of California, and I do hereby order and direct the Sheriff of Santa Clara County, upon receipt of these presents to take the said John Marr, and deliver him into the custody of the officers of the State Prison of California, and that he be there confined during the period of his natural life.</p>						

Total Commutations of Sentence during the year.....2



## RESPIES—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 20, 1866	Jacob Greer.....	Murder 1st degree	Butte.....	Death. ....	That the evidence indicates a case that "calls loudly for the exercise of Executive clemency;" that in the opinion of the District Attorney the verdict should have been murder in the second degree.	Thomas Wells, P. H. Harris, John S. Berry, District Attorney, S. Rosenbaum, Hon. F. M. Smith, George Faulkner, J. H. Middleton.
<p>DECISION.—Whereas, Jacob Greer was, at the March term of the District Court in and for Butte County, in 1862, convicted of the crime of "murder in the first degree," and sentenced to be hung on Friday, May 22, 1863—now, therefore, I, Leland Stanford, Governor of the State of California, by the authority in me vested by the Constitution and laws of said State, do hereby grant unto the said Jacob Greer a respite of seven days from the said 22d day of May, 1863, and I do hereby order and direct the Sheriff of Butte County to suspend the execution of the said sentence until Friday, the twenty-ninth day of May, A. D., eighteen hundred and sixty-three; on which day he will proceed to execute the full sentence of the law.</p>						

Total Respites during the Year.....2.



The message was then read, and, on motion of Mr. Kutz, made the special order for Wednesday, December sixteenth, at twelve o'clock, M.

The consideration of Senate bill No. 1 was resumed, and referred to the Judiciary Committee.

On motion of Mr. Shafter, the resolution relating to drawing for Senatorial terms, was taken from the table, and the following substitute offered :

*Resolved*, That the Senate now proceed to the allotment of the Senators in the manner following: Ten ballots, upon which is written "four years," shall be prepared, of like form, so as not to be distinguishable from each other by reason of any inequality of form, substance, or color. Such ballots shall be put into a box, and well mixed and shaken. The President shall then call the roll of all Senators in the order in which they stand upon the roll of the Senate, who represent districts naming but one Senator, including the Senator from the County of San Mateo. As each name is called, a Page, upon the direction of the President, shall draw a ballot from the box. The term written upon such ballot shall be allotted to the Senator against whose name it was drawn. The Senators from all the other districts shall be drawn by districts, in pairs, in like manner as the foregoing.

On motion of Mr. Kutz, the resolution and substitute were made the special order for Tuesday, December fifteenth, at twelve o'clock, M.

At fifty minutes past twelve o'clock, P. M., on motion of Mr. Foulke, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Thursday, December 10th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Mr. Montgomery.

Prayer by Reverend Mr. Charlton.

On motion of Mr. Burnell, the Journal of Tuesday, December eighth, was corrected as follows :

Insert "after the announcement of the result." in line twenty on page ten, the words "the President then announced that T. N. Machin, having received a majority of all the votes cast, was duly elected Lieutenant-Governor."

Reading of the Journal dispensed with temporarily.

Mr. Wright, by leave, made the following report :

Mr. PRESIDENT:—The joint committee, appointed by the Senate and Assembly, to wait upon the Governor and Lieutenant-Governor

elect, beg leave to report that those gentlemen have signified their desire that the inauguration ceremonies should take place at twelve, M., this tenth day of December, and your committee have decided that the inauguration shall take place in the Assembly Chamber, at the hour named, and have made other necessary arrangements.

WRIGHT,

CRANE,

YULE,

Senate Committee.

BUFFUM,

CHERRY,

CAMPBELL of San Francisco,

House Committee.

Mr. Crane offered a concurrent resolution, relative to the inauguration of Governor and Lieutenant-Governor.

Adopted.

Journal of yesterday was read and approved.

Mr. Evans offered the following resolution :

WHEREAS, The Act of the Legislature of the State of California, entitled an Act to amend an Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, provides that "at the Legislature which convenes on the first Monday in December, in the year eighteen hundred and sixty-three, the Senate shall, in conformity with section six, Article Four, of the Constitution, divide the Senators, by lot, as equally as may be, into two classes, which allotment shall be made as follows: The Senators from the nineteen districts wherein one Senator is elected in each, shall be allotted so that nine shall belong to the first class. The Senators from each of the eight districts wherein two Senators are elected shall be so allotted that one from each shall belong to the first class; and the Senators from the Eighth District, wherein five Senators are elected, shall be so allotted that three shall belong to the first class. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half of the whole number of Senators shall be elected every two years;" therefore,

*Resolved*, That, in conformity with the provisions of the above entitled Act, the Senate do proceed to draw for their respective classes or terms on the ——— day of ———, eighteen hundred and sixty-three, at twelve o'clock, M., as follows :

*First*—That there shall be placed in a hat nineteen tickets or pieces of paper, upon ten of which shall be written the words "first class," and upon ten the words "second class." That the roll of Senators from the nineteen districts wherein one Senator is elected shall then be called alphabetically, and as such name is called, a Page, to be appointed by the President of the Senate, shall draw from the hat one ticket or piece of paper, and the words written thereon, whether it be "first class," or "second class," shall be and is hereby made the class to which the Senator so called shall belong, and so on, continuously, until the whole nineteen Senators from the districts wherein one Senator is elected shall have been classified.

*Second*—That there shall then be placed in a hat two tickets or pieces of paper, upon one of which shall be written the words "first class," and upon the other the words "second class." That the roll of the Senators belonging to the district coming first numerically—of the eight districts wherein two Senators are elected—shall then be called alphabetically, and, as each name is called, the same Page shall draw from the hat one ticket or piece of paper, and the words written thereon, whether it be "first class," or "second class," shall be and is hereby made the class to which the Senator so called shall belong, and so on continuously, until the Senators from the eight districts wherein two Senators are elected shall have been classified.

*Third*—That there shall then be placed in a hat five tickets or pieces of paper, upon three of which shall be written the words "first class," and upon two the words "second class." That the roll of Senators from the Eighth District, wherein five Senators are elected, shall then be called alphabetically, and, as each name is called, the same Page shall draw from the hat one ticket or piece of paper, and the words written upon such ticket or piece of paper, whether it be "first class" or "second class," shall be and is hereby made the class to which the Senator so called shall belong, and so on continuously, until the Senators from the Eighth District wherein five Senators are elected shall have been classified.

Made the special order for Tuesday, December fifteenth, at twelve o'clock, M., and usual number of copies ordered printed, together with the usual number of copies of Mr. Shafter's resolutions and substitute.

Mr. Jones made the following report :

MR. PRESIDENT :—Your Committee on Mileage return to you the following report, which is based upon the legal distances from the various county seats to the Capital, and by adding to or deducting from that distance, as the Senator resides nearer or further than the county seat from the Capital :

Names.	Miles.	Amount.
Chellis.....	550	\$110 00
Burnell .....	110	22 00
Buckley .....	234	46 80
Benton .....	50	10 00
Crane .....	270	54 00
Cot.....	370	174 00
Cunningham.....	100	20 00
Dodge.....	234	46 80
Evans.....	230	46 00
Foulke .....	700	140 00
Freeman .....	700	140 00
Gaskill.....	210	42 00
Haswell.....	68	13 60
Hall.....	40	8 00
Henry .....	100	20 00
Hartson.....	120	24 00
Hamilton.....	1,100	220 00

Names.	Miles.	Amount.
Haskins.....	650	130 00
Hale .....	70	14 00
Hawes.....	280	56 00
Jones.....	510	102 00
Kutz .....	150	30 00
Leonard.....	164	32 80
Lovett .....	430	98 00
McMurtry .....	324	64 80
Maddox.....	100	20 00
Montgomery .....	230	46 00
Meyers.....	104	20 80
Moyle .....	230	46 00
Pierce .....	260	52 00
Porter.....	180	36 00
Rush .....	290	58 00
Roberts .....	130	26 00
Redington.....	234	46 80
Smith.....	150	30 00
Shepard.....	182	36 40
Shafter.....	234	46 80
Tuttle.....	1,200	240 00
Wright.....	930	186 00
Yule .....	130	26 00

JONES, Chairman.

On motion of Mr. Benton, a recess was taken for thirty minutes.

#### SENATE RE-ASSEMBLED.

At the appointed time the Senate was called to order by the President pro tem, Mr. Burnell.

Roll called.

Quorum present.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER.

December 10th, 1863. }

Mr. PRESIDENT :—The Assembly have this day concurred in Senate concurrent resolution No. 7, relative to meeting in the Assembly Chamber this day at twelve o'clock, M., for the purpose of inaugurating the Governor elect, Honorable F. F. Low.

R. H. DALY,  
Assistant Clerk.

At twelve o'clock, M., on motion of Mr. Evans, the Senate proceeded



to the Assembly Chamber, for the purposes specified in the above message.

IN JOINT CONVENTION.

President pro tem of the Senate, Mr. Burnell, and Speaker of the Assembly, Mr. Sears, presiding.

Roll of the Senate called.

Quorum present.

Roll of the Assembly called.

Quorum present.

The oath of office was administered to F. F. Low, Governor elect, and T. N. Machin, Lieutenant-Governor elect, by Honorable E. B. Crocker, of the Supreme Court.

After which, the Governor delivered his

INAUGURAL ADDRESS.

*Fellow-Citizens :*

In cheerful compliance with established usage, I desire to present, in general terms, the policy by which I intend to be guided in the discharge of the responsible trust which you have placed in my keeping. If I enter upon the duties of the Executive office with some natural misgivings, arising from a want of that long experience in public affairs which one of more years might have brought to the service of the State, they are in some degree compensated by a consciousness that my desire to be faithful in this high office is unalloyed by any less worthy aims.

While the Executive Department has but little power other than its designation indicates, it is always properly held responsible for a failure to suggest to the Legislature measures so evidently necessary and desirable as to insure co-operation and success. The recent amendments to the Constitution have increased the term of the Governor's office to four years—a period of time during which great changes must of necessity occur in the wants and resources of the State. The Legislature will hereafter convene biennially only, and the wants of two years, instead of one, as heretofore, are to be anticipated and provided for at each session. This new order of things—calculated to lessen the expenses of the Government, and to give to our legislation more permanence than has been hitherto enjoyed—increases the responsibility of both the Executive and the Legislature, and makes an additional call upon their zeal and watchfulness in the conduct of public affairs. While I shall affect no unbecoming distrust of the future in this connection, I have thought it well thus to remind you at the outset that these constitutional reforms impose some labors differing from those of previous administrations.

My primary duty of seeing that the laws are faithfully executed will happily be an easy one, for amid the throes of a terrible civil war, the people of California have steadfastly maintained their established regard for local authority. The executive officers of the Courts will not be likely to require any aid from beyond their respective neighborhoods in the performance of their duties.

In view, however, of our National troubles, and of possible (let us hope not probable) foreign complications, this habitual respect for our

State laws, and for the decrees of our Courts, will not render it wise for us to disregard the importance of a well organized and disciplined militia. The able-bodied men of the State ought certainly to be instructed in the use of arms and in military drill. Whether this desirable end cannot be attained, and the efficiency of the militia be promoted by such modifications of the present system as will materially lessen the expense, is a subject well worthy of consideration. Our people have in times past given but little thought to the organization of the militia, and I should regret to see any check given to the growing inclination to bestow upon the matter the attention its importance demands. At the same time, utility rather than a love of display should be kept in view, and economy be thereby consulted.

The financial condition of the State demands serious attention, and the immediate adoption of measures which shall not only provide for necessary current expenditures, but by which the floating debt shall be surely extinguished and our affairs be placed upon a cash basis. Whether this is to be accomplished by an increase of the revenues, or by a decrease of the expenditures, or both, or by other means, I have now no data upon which to base any suggestions. It must be apparent to any one who has examined into the public finances, that the State is paying an interest, directly and indirectly, of two per cent per month as a minimum, on a large portion of the current expenditures. Until a remedy can be found for this state of things, little hope can be entertained of inaugurating, in many departments, reforms which seem necessary—nay, imperative. I shall at an early day inform myself concerning the condition of the finances, and transmit the result to the Legislature, accompanied with such recommendations as may seem to me practical and conducive to the ends I have indicated.

It will devolve upon me to make some appointments to office. In the discharge of this responsible duty I shall endeavor to select men of earnest loyalty, unquestionable integrity, and the requisite capacity. I believe that these are times in which men of intelligence, energy, conscience and courage should alone be placed in positions of trust and influence. It will be my aim to appoint such, and none others, to the few places I am charged with filling, to the exclusion of drones whose small talents and less energies are usually exhausted in efforts to obtain places which they are not competent to fill. It would, I think, be well if all officers, not elected by the people, could be made more directly responsible than many of them are under existing laws to the power appointing them. If the Executive, or the Legislature, or any Board of officers authorized to make appointments, find that confidence has been misplaced, the unworthy recipient should be subject to removal by the power which appointed him. This is particularly to be desired now when every man's fidelity to the right is undergoing the severest conceivable tests, and when time-servers may, almost any day, make some one of the great events of the war a pretext for opposition to the National Government. I trust that the importance of this subject will not be overlooked by the Legislature.

The veto power conferred by the Constitution upon the Governor should be used with caution, and only in cases where to refrain would be detrimental to the best interests of the State. In considering bills which may come to me for my official sanction, while I should greatly regret to differ with the legislative representatives of the people, I shall not forget that I, too, have been intrusted with a share of the responsibility in the matter, and that I cannot render a good account of

my stewardship if my approval is given to a single Act which my judgment tells me is inconsistent with the fundamental law or with the public welfare.

The pardoning power will never be exercised by me unless I am convinced that injustice has been done to the person in whose behalf application is made; and where any doubt exists concerning the facts, I shall act upon the presumption that the Court and jurors before whom a case is tried are far better capable of determining the matter than I could be upon *ex parte* statements subsequently made.

The support of penal, reformatory, and benevolent institutions forms a part of the burdens which must always be borne by well regulated communities. In this State there are, in addition to the usual public institutions of this character, a number of private charitable enterprises, which have hitherto received material aid from the State—the appropriations in their behalf amounting last year to thirty thousand dollars. Such munificent gifts in aid of suffering and helpless humanity would be a source of pride to every good citizen, if the State had anything to give; but appropriations so large of mere promises to pay, while State warrants to the amount of hundreds of thousands of dollars are selling in the market at rates far from flattering to the public credit, seem to me to be an exhibition of generosity at the expense of justice towards those who have become creditors of the State. I am firmly of the opinion that no additional debt should be created for these purposes, and that the various local charities should, for the present at least, rely upon the aid of private citizens, and, where circumstances justify it, of the county authorities.

Our State Prison system is far from perfect; the various attempts at reform heretofore made not having been followed by the desired results. It shall be my endeavor to do something toward making the prisoners support themselves by their own labor. The Prison, in its present state, but poorly answers the purpose for which it was intended, and until a considerable outlay is made, to enable the enforcement of discipline by the solitary confinement of the disobedient, it will be next to impossible to compel the labor of the convicts. It would be economy for the State to make some provision for the necessary improvements.

The Insane Asylum will, I trust, under the provisions of the Act of the last Legislature, be so improved and enlarged as to be fully adequate to the wants of the unfortunate class for whom it is intended, thus permanently disposing of the proposition heretofore frequently agitated, for a branch Asylum in some other portion of the State.

The reformation of juvenile offenders has become an established portion of the labor and expense of good and wise governments in the older States, and in Europe. It seems that but few offenders have been sent to our State Reform School. From this it would appear, either that there are very few boys in the State, outside of San Francisco, requiring the discipline of such a school, or very few men who attend to the duty of sending them there. The subject is one that is everywhere else deemed worthy of more consideration than it has thus far received in California.

The State has, with commendable liberality, provided for the care and education of the deaf, dumb, and blind. An appropriation of seventy-five thousand dollars for the completion of the Asylum buildings was submitted to a vote of the people at the late election, and the proposition was indorsed by the popular vote. It may well be questioned whether, so large an amount is necessary to provide adequate accommodations for



this unfortunate class, and it is to be hoped that the Commissioners in whose charge this matter is, will keep in view the embarrassed condition of the State, and expend only so much of the Fund as may be absolutely necessary.

Special legislation has been a crying evil in this State. A large proportion of each session of the Legislature has been consumed in listening to the advocates of relief bills, bills granting franchises and other special privileges, and bills even to advance the personal interests of criminals, litigants in civil cases, and the Administrators of the estates of deceased persons. The Legislature cannot judge as intelligently concerning the bridges, ferries, and roads of the several counties as can the county authorities, nor concerning the rights of parties in Courts as can the Judges thereof. Believing that bills of the character referred to are too often allied together, and passed by the joint efforts of the friends of all, I shall not hesitate to withhold my approval from any bill granting privileges which might have been granted, under the general laws of the State, by the Supervisors of the county therein concerned, had they deemed it advisable, or any bill intended to aid parties in Court to favors denied them there. It may be, that the general laws intended to confer upon Supervisors the authority requisite for the proper management of local concerns are in some particulars insufficient for the purpose. If it should so appear, the true remedy is to be found in proper amendments to those laws; but under the guise of a general law no special interests should be subserved.

The San Francisco water front has been a perplexing subject in and out of the Legislature for several years past; but fortunately for the interests of the State it was finally disposed of by the Act of last session, and will henceforth hardly be a public question, excepting so far as the general desire is concerned to see the existing legislation upon the subject faithfully carried out.

The cause of education must always be regarded as of the very first importance by those who desire the perpetuation of our free republican system of government. The right of the people to govern themselves is of no value unless coupled with the capacity to govern themselves well. It is essential, then, that all classes of the community should enjoy the benefits of a liberal and enlightened educational system. Probably this has been as well cared for in this State as our rapid growth would permit; but there is ample room for improvement, and I sincerely trust that at the close of my term of office it will be found that such progress has been made as the times shall have demanded and our means justified. The proceeds of the bounties so liberally granted to the State by the General Government for School purposes should be inviolably preserved to their proper uses, and the debt due to the School Fund—which under no pretence should ever have been contracted—should be preferred before all other claims. The State Normal School, now in its infancy, will doubtless prove the same indispensable auxiliary to the general cause that similar institutions have become in older communities, and should be liberally fostered. The conditions imposed by the Acts of Congress granting lands to the State in aid of institutions of learning of a higher order, render it necessary that steps be taken speedily to avail ourselves of the benefits to be derived from these munificent donations.

I am glad to see a growing disposition among the people to guard the elective franchise from abuse, and to erect additional guards to its fair exercise. Nothing can so greatly conduce to this end as a well consid-

ered and practical Registry Law. The slight inconvenience which such an enactment would impose upon the legal voters of the State would be much more than compensated by the security it would give them against being overborne at elections by fraudulent voting. Of the constitutionality of such a measure I have no doubt, although I am aware that many persons entertain a different opinion; and it is unfortunate, perhaps, that a provision giving to the Legislature ample power over the subject in clear and unmistakable language, was not submitted to the people among the late amendments to the Constitution.

Our agricultural districts are being steadily settled by an industrious and stable population, whose patient and well directed energy will in a few years place California in the front rank of the Agricultural States. For this we are indebted to the wise and generous Public Land policy of the National Government, and in co-operating by every means possible with that policy we shall best promote the material interests of the State, and at the same time encourage the industry of a worthy class of citizens, upon whom the prosperity of the State must always largely depend.

Commerce is an element of great importance to our State, and it is her true policy to provide ample accommodations for it, and place upon it as few restrictions as are consistent with the enforcement of such police regulations for our ports as may from time to time be found necessary. No tax should ever be laid upon commerce for the aggrandizement of individuals or corporations, or for the support of useless public officers.

While evidences are multiplying around us of the steady progress, in the State, of her agricultural, commercial, and manufacturing interests, it is apparent to every one that our mining interest is far the most important of any, and must continue to be so for some years to come. The policy of the General Government in respect to the mines is well understood; and assurances have been very recently publicly given that no change is contemplated or considered desirable. So long as the title of the United States to the mineral lands is recognized and respected by those engaged in working them, the local regulations of each district, made by the miners themselves, will continue to prevail. The attempts made some years since, in an opinion by one of our then Supreme Judges, to assert for California the ownership of the mineral lands of the United States within her boundaries, was so repugnant to the loyal sentiment of our people, and so manifestly in conflict with the rightful sovereignty of the Nation, that but few men can now be found who have the hardihood to engage in its defence. I have always considered it as most consonant with our popular form of government, and at the same time the wisest policy financially, both for the State and the United States, to encourage all citizens to enter freely upon the public mineral lands for mining purposes. In the present embarrassed condition of the National finances, it seems to me peculiarly desirable that every encouragement should be given to the increased production of the precious metals. The present system is unquestionably the best one by which the mineral wealth of our State can be made available to the country; any radical change in it would only serve to lock up our gold in the bowels of the earth, which would be a short-sighted policy indeed. It is fortunate that, on the one hand, the General Government adheres steadfastly to its established course, and on the other hand, that our California miners are ready to show at all times a proper understanding of the fact that they are upon the lands of the United States.



The Geological Survey of the State, which is in the hands of a gentleman of high national reputation, is an important branch of the public service. The publication of the results of his labors will give to the world a correct knowledge of our mineral resources, which can be imparted in no other manner so likely to carry conviction. The cost of the survey, and of the publication hereafter of its reports, is as nothing compared with the advantages to be derived by the State. I hope the State Geologist, and those whom he has selected to aid him, will receive that encouragement and material aid to which their capacity and zeal, and the magnitude and character of their labors entitle them, and without which their useful work would have to be abandoned.

I congratulate you, my fellow-citizens, upon the renewal you have recently made at the ballot box of your pledge to stand firmly by the National cause. Twenty thousand majority for Representatives in Congress, known to be the ardent friends of Liberty and Union, must finally destroy all hopes which foreign or domestic foes of the United States may ever have entertained of receiving aid and sympathy from the Pacific Coast. Our position on this great question has now been four times announced by ballot since the commencement of the Southern rebellion, and four times has the popular will here emphatically declared against any other peace than that which will follow upon the submission of the rebels to the Nation's rightful authority. To the States now loyal is California indebted for all that Congress ever did for her advancement—from the Act of Admission in eighteen hundred and fifty, upon which the now insurgent chiefs threatened secession, down to the Pacific Railroad Act of eighteen hundred and sixty-two, which those bad men had lost the right to longer oppose in Congress; and this, too, notwithstanding the persistency with which, up to eighteen hundred and sixty-one, she clung to her unnatural alliance with the Cotton State politicians. If our brethren in the North and West were so ready to respond to our calls then, when we seemed cold and distant, we can hardly fail to be heard now, when we send to the Councils of the Nation men who are earnest co-laborers with them in the greatest cause ever contended for in the field or in the forum.

The admission of Nevada into the Union as a State, at the present session of Congress, is, I presume, a foregone conclusion. She will be the third State formed on this side of the continent within fourteen years, and, like her older neighbors—California and Oregon—has already shown that she will be jealous of her reputation for fidelity to the Nation. Let us look to it, here on the Pacific slope, that such safeguards as prudence may dictate, be placed around this happy condition of things, to prevent the possibility of the current of civilized progress being stayed or turned back by disfranchised refugees from the rebellious regions.

The war for the suppression of the rebellion is making steady progress toward the accomplishment of that, its only end. During its continuance discussions naturally enough arise concerning the political effect of the rebellion upon the governmental organizations which existed at its commencement in the rebel communities. No combinations of men or of circumstances can prevent the proper and safe solution of the great problems involved in this terrible conflict. The events now transpiring seem, indeed, too mighty to be absolutely controlled by mere human agencies. The laws of change and of progress are doing their appointed work among this people, who, amid much material prosperity, suffered a dominating element to so gain strength as finally to set at defiance all previous restraints—appealing to the arbitrament of the sword when it

could no longer control the ballot box. The great body of the Union men of the country are agreed upon this main proposition: that the rebel State authorities have no legitimacy or legal existence; that no loyal citizen of the United States can yield them willing obedience; and that our Government can never, without humiliation and disgrace, recognize any one of their acts. Other and loyal State Governments must succeed them as our arms prevail. Our whole duty now is by all possible means to strengthen our armies which are contending with the rebellion. By what agencies and through what modes local governments, republican in form, are to be re-established in those States by the loyal inhabitants, old and new, is not a vital question now, and cannot be until they have ceased to be battle fields. That the rebels will neither consent nor be permitted to participate in the erection of the new Union State Governments, is certain. That the loyal men who do erect those governments will do their work well, and make it worthy of the age, seems to me equally certain. With the triumph of our arms must come the destruction of the order of things by which a resort to them was compelled. This is the logic of events, and not a mere question of parchments. Let us all continue to agree with regard to these ends, and no means will ever be adopted by those we have intrusted with power which do not have them in view.

With a full determination to devote whatever of capacity and energy I may possess to the promotion of the best interests of the State and Nation, and invoking the assistance of Almighty God to guide me aright, I am now prepared to enter upon my official duties.

At the conclusion of which the President pro tem declared the purposes for which the Convention convened accomplished, and adjourned it sine die.

#### IN SENATE.

President Chellis called the Senate to order.

Roll called.

Quorum present.

Mr. Hartson moved that a committee of three be appointed to escort the Lieutenant-Governor elect to his seat.

Carried.

Messrs. Hartson, Lovett, and Kutz, were appointed such committee.

The Lieutenant-Governor then came forward, and, on assuming the Chair, made the following remarks:

#### ADDRESS OF LIEUTENANT-GOVERNOR MACHIN.

SENATORS:—In assuming the discharge of the responsible duties of presiding officer of the Senate, it affords me great pleasure to greet so many gentlemen with whom I have enjoyed a long and agreeable acquaintance—gentlemen whose known integrity and acknowledged abilities have won the confidence of the people whom they represent. The power to form rules which govern human action and regulate society is the most precious of any that the people can possibly delegate to their representatives. While this body is only a co-ordinate branch of the law-making power, it is to us, particularly, that the people look for calmness and deliberation, for an earnest and careful scrutiny into every measure which

affects their rights or the interests of the State. In the progress of our deliberations we shall be wise to follow the beaten path, and rigorously to apply those rules which have their foundation in wisdom and experience. Such a course, strenuously adhered to, will greatly facilitate the action of the majority, while it will insure safety to the rights of the minority. To firmly and fairly mete out impartial justice to every member of this body is my sole ambition. Whilst craving for myself the indulgence and forbearance of the Senate, I hope that not even considerations of personal friendship will induce Senators to allow me to deviate from the straight line of parliamentary discipline, lest trifling errors should grow up and become greater evils. I invoke your assistance in the preservation of order, so that our deliberations may always be characterized by that decorum which is so becoming the dignity of a grave, deliberative body. Conscious of the ability with which my predecessor has discharged the duties of this position, I assure you, Senators, it is with no ordinary emotions of diffidence that I approach this Chair; and I shall be but too happy if, on retiring, I shall be able to feel that I merit a tithe of the respect that follows him. With many congratulations upon the speedy and harmonious manner with which you have succeeded in organizing this body, it only remains for me to take the Chair, and to await the will and pleasure of the Senate.

Mr. Shafter offered the following resolution :

*Resolved*, That the thanks of this Senate be tendered to honorable John F. Chellis for the able and impartial manner in which he has discharged the duties of President of this body, and its assurances that he leaves official life with a high and augmented reputation throughout this State.

Adopted.

At one o'clock and thirty-five minutes P. M., on motion of Mr. Burnell, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER.  
Friday, December 11th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Cot and Porter.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read and approved.

The following appointments were then made by the President :

PORTERS—William Galt and James Hall.  
 POST OFFICE CLERK—Rollo Fuller.  
 PAGES—James Crandall and Grove Hunt.  
 PAPER FOLDER—Charlie Davis.

# PETITION.

Mr. Shafter presented the petition of F. P. Ramirez, relative to the seat held by Honorable Henry Hamilton.  
 Referred to Committee on Elections.

# MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
 December 10th, 1863. }

MR. PRESIDENT :—The Assembly has this day concurred in Senate concurrent resolution No. 6, relative to the appointment of Rear Porter.

R. H. DALY,  
 Assistant Clerk.

# INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts, for an Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature at the fifteenth session.

Read first and second times, amended, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

By Mr. Shafter, for an Act relating to the Judicial Department of the State.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act supplementary to an Act to fix the salaries of judicial officers, and provide for the payment of the same, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act in amendment of an Act to regulate proceedings in civil cases in the Courts of this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to provide for the jurisdiction of the Police Judge's Court of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.



## RESOLUTIONS.

Mr. Evans offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that a committee of three be appointed from each House to select proposals for translating into Spanish the laws of the present session.

Mr. Shafter offered the following as a substitute :

*Resolved*, That a committee of three be appointed to examine proposals, and award the contract for translating Spanish documents in accordance with law.

Substitute lost.

On the vote being taken on the original resolution, it was lost.

Mr. Foulke offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be authorized to procure suitable office rooms, under the direction of the President of the Senate, for the Engrossing, Enrolling, and Copying Clerks, at as reasonable a rate as possible.

Mr. Hawes moved to amend by adding the words "whenever or as soon as the same shall be deemed necessary."

Amendment adopted, and the resolution, as amended, adopted.

Mr. Shafter offered a concurrent resolution relative to the appointment of Joint Committee to receive bids for the translation of Spanish laws.

Adopted.

On motion of Mr. Porter, the vote by which the report of the Committee on Mileage was, on yesterday, adopted was reconsidered, and the report recommitted to said committee.

## NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Smith, for an Act providing for registering the names of voters ;

Also, for an Act repealing the law of eighteen hundred and sixty-three concerning specific contracts ;

Also, for an Act for the codification of the laws of this State.

Mr. Jones, from the Committee on Mileage, reported the following amendments to the report made on yesterday :

"T. N. Machin, two hundred and thirty miles, forty-six dollars ; Mr. Porter, two hundred and twenty miles instead of one hundred and eighty miles, and forty-four dollars instead of thirty-six dollars."

Amendments adopted, and the report adopted as amended.

## RESOLUTIONS.

Mr. Haswell offered the following resolutions :

WHEREAS, It has pleased Almighty God to call from our midst since

our last session the Honorable W. H. Weeks, Secretary of State; therefore, be it

*Resolved*, That in the late W. H. Weeks we recognize one of liberty's most eloquent and earnest champions, and our country's able defenders; that in his official capacity he ably discharged his duties to the State, and that he is worthy of endearing recollection.

*Resolved*, That in respect for his memory the Senate do now adjourn.

Mr. Shafter moved to amend by adding the words "until Tuesday."

Mr. Wright moved to amend by adding the words "until Monday."

On the vote being taken, the amendment of Mr. Wright was lost.

The amendment adding the words "until Tuesday" was carried.

Mr. Burnell moved to reconsider the vote by which "until Tuesday" was adopted.

Carried.

On motion of Mr. Burnell, the resolution was laid on the table.

Mr. Burnell then moved that when the Senate do adjourn, it be until Tuesday, December fifteenth.

Carried.

Mr. Haswell's resolution was then taken from the table, and the question being upon the motion to insert "until Tuesday"—

Mr. Shafter raised a point of order as to the constitutionality of the amendment, it being to adjourn for a longer period than three days.

The Chair (Mr. Burnell) decided the point of order not well taken.

Mr. Shafter then appealed from the decision of the Chair.

Mr. Gaskill then raised a point of order, to wit: that the resolutions were not under consideration, and therefore Mr. Shafter's point of order was not in order.

The Chair decided the point of order not well taken.

The question then being, "Shall the decision of the Chair on Mr. Shafter's point of order stand as the judgement of the Senate?" the ayes and noes were demanded, by Messrs. Crane, Kutz, and Shafter, and taken, with the following result:

AYES—Messrs. Benton, Foulke, Freeman, Hale, Hamilton, Hartson, Jones, Lovett, Maddox, and Yule—10.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Evans, Gaskill, Hawes, Heacock, Henry, Haskin, Kutz, Leonard, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, Tuttle, and Wright—25.

On motion of Mr. Gaskill, the resolutions were laid on the table.

Mr. Gaskill then moved to reconsider the vote by which the motion to adjourn until Tuesday was carried.

Adopted.

The question then being on the motion to adjourn until Tuesday, Mr. Cunningham moved to amend by inserting "Monday."

Amendment lost.

Mr. Burnell then withdrew the motion to adjourn until Tuesday.

Mr. Haswell's resolutions were then taken from the table, and the following amendment offered by Mr. Gaskill:

*Resolved*, That a copy of these resolutions be enrolled and transmitted to the relatives of the deceased.

Amendment carried.

Resolutions as amended adopted.

In accordance with the above resolutions, the Senate, at one o'clock and thirty minutes P. M., adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, December 12th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

The Journal of yesterday was read, and corrected as follows: After the word "amended," line thirty-one, page twenty, insert: "Mr. Hawes moved to amend the first section by striking out '83,125,' and inserting in place thereof, '\$600.' Amendment lost."

The Journal was then approved as corrected.

Messrs. Moyle, Dodge, and Shafter were granted one day's leave of absence.

The following Standing Committees were then announced by the President.

### ON ELECTIONS.

Messrs. Gaskill, Redington, Lovett, Leonard, and Pierce.

### ON ENROLMENT.

Messrs. Moyle, Haswell, Shepard, Montgomery, Cot, and Hall.

### ON ENGROSSMENT.

Messrs. Roberts, Maddox, McMurtry, Freeman, Kutz, and Rush.

### ON CLAIMS.

Messrs. Jones, Evans, Foulke, Lovett, and Henry.

### ON JUDICIARY.

Messrs. Hartson, Shafter, Hale, Wright, Smith, Crane, and Heacock.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 9th, 1863. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the following equitable claims that have been acted upon by the Board of Examiners:

Claim.	Amount.
A. J. F. Phelan vs. State of California .....	\$2,129 69
George W. Gordon vs. State of California.....	400 00
Phil Caduc vs. State of California.....	120 00
F. F. Fargo vs. State of California.....	590 11

LELAND STANFORD,  
Governor.

The message, with accompanying claims, was referred to the Committee on Claims.

MESSAGE FROM THE GOVERNOR.

The following message was received from Governor Low:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 11th, 1863. }

*To the Honorable the Senate of California:*

I have this day appointed George C. Gorham Private Secretary to the Governor.

All communications from this Department will be presented to your honorable body through him.

FRED'K F. LOW,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
December 11th, 1863. }

MR. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly concurrent resolution No. 2, relative to an Act of Congress donating to the several States certain public lands for establishing Agricultural and Mechanic Arts Colleges, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 2, above reported, was concurred in.

INTRODUCTION OF BILLS.

Bills were introduced as follows:



By Mr. Jones, for an Act to regulate the recording of stamped instruments of writing.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Henry, for an Act to establish the compensation of the Supervisors of El Dorado County.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Meyers, for an Act concerning the Calaveras Mining Company.

Read first and second times, and placed on file.

#### RESOLUTIONS.

Mr. Benton offered the following resolution :

*Resolved*, That a committee of three be appointed by the President of the Senate, to examine and report upon the condition of the archives in the office of the Secretary of State, and to make such recommendations as in their judgment the public good may demand.

Adopted.

Mr. Maddox offered the following resolution :

*Resolved*, That the Senate shall, on the ——— day of ———, A. D. eighteen hundred and sixty-three, proceed to divide the Senators by lot into two classes, in the manner following, to wit : The Senators from the nineteen districts wherein one Senator has been elected from each, and the Senator from San Mateo and San Francisco, shall be taken in pairs from contiguous districts as follows, viz :

The Senator from San Diego and San Bernardino with the Senator from Los Angeles.

The Senator from San Luis Obispo and Santa Barbara with the Senator from Fresno and Tulare.

The Senator from Monterey and Santa Cruz with the Senator from Mariposa, Merced, and Stanislaus.

The Senator from Santa Clara with the Senator from San Mateo and San Francisco.

The Senator from Contra Costa and Marin with the Senator from Alameda.

The Senator from Colusa and Tehama with the Senator from Solano and Yolo.

The Senator from Sonoma with the Senator from Lake, Napa, and Mendocino.

The Senator from San Joaquin with the Senator from Amador.

The Senator from Del Norte, Humboldt, and Klamath with the Senator from Shasta and Trinity.

The Senator from Siskiyou with the Senator from Sierra.

The two Senators from each of the eight districts wherein two Senators have been elected shall each constitute a pair.

The four Senators from San Francisco shall be taken in pairs, in the order in which they stand upon the roll of the Senators.

Two ballots, upon one of which is written "first class," and upon the other "second class," of like form, so as not to be distinguishable from each other by reason of any inequality in form, substance, or color, shall be put into a box and well shaken.

The President shall then call the names of a pair of Senators in the order in which they stand upon the roll of Senators. As each name is

called, a Page, by the direction of the President, shall draw from the box a ballot. The class written upon said ballot shall be allotted to the Senator against whose name it was drawn. In like manner the Senate shall proceed by pairs until all the Senators shall have been allotted.

Ordered printed, and made the special order for Tuesday, December fifteenth, at twelve o'clock M.

Mr. Freeman offered the following resolution :

*Resolved*, That the Secretary of State be and he is hereby directed to transmit to the Senate all the papers pertaining to the contested election case of Randall vs. Haskin, now on file in his office.

Laid on the table.

Mr. Yule moved that the Senate do now adjourn until Tuesday, December fifteenth.

On which, the ayes and noes were demanded, by Messrs. Wright, Gaskill, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Cunningham, Evans, Foulke, Freeman, Hale, Hamilton, Haswell, Heacock, Haskin, Kutz, Leonard, Lovett, Meyers, Montgomery, Redington, Rush, Shepard, Smith, Tuttle, and Yule—23.

NOES—Messrs. Burnell, Crane, Gaskill, Hall, Hawes, Henry, Jones, Pierce, and Wright—9.

So at eleven o'clock and fifty minutes A. M. the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, December 15th, 1863. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Messrs. Haskin and Porter were granted one day's leave of absence.

Journal of Saturday read and approved.

The President announced as the Committee on Assembly concurrent resolution No. 2, relative to Government Lands donated to the several States, Messrs. Gaskill, Hawes, and Lovett.

The President announced as the committee on the resolution of Mr. Benton, relative to the examination of the archives in the office of the Secretary of State, Messrs. Benton, Hamilton, and Foulke.

The following additional Standing Committees were then announced by the President :

## ON FINANCE.

Messrs. Cunningham, Gaskill, Jones, Hawes, and Burnell.

## ON STATE HOSPITALS.

Messrs. Haswell, Meyers, Buckley, Yule, and Evans.

## ON MINES AND MINING INTERESTS.

Messrs. Yule, Shepard, Haskin, Freeman, Maddox, Tuttle, and Kutz.

## ON STATE PRISON AND PUBLIC BUILDINGS.

Messrs. Benton, Redington, Porter, Cunningham, Jones, Cot, and Burnell.

## ON EDUCATION.

Messrs. Crane, Benton, Haskin, Gaskill, and Porter.

## ON STATE LIBRARY.

Messrs. Heacock, Lovett, and Pierce.

## ON MILEAGE.

Messrs. Kutz, Leonard, and Moyle.

## ON COUNTY BOUNDARIES.

Messrs. Burnell, Henry, McMurtry, Tuttle, and Hall.

## ON CORPORATIONS.

Messrs. Smith, McMurtry, Buckley, Roberts, and Hamilton.

## ON PUBLIC LANDS.

Messrs. Wright, Dodge, Haskin, Tuttle, and Rush.

## ON COMMERCE AND NAVIGATION.

Messrs. Porter, Dodge, Redington, Wright, and Hamilton.

## ON ROADS AND HIGHWAYS.

Messrs. Leonard, Hawes, and Yule.

## ON CONTINGENT EXPENSES.

Messrs. Henry, Buckley, Moyle, Foulke, and Montgomery.

## ON MILITARY AFFAIRS.

Messrs. Evans, Dodge, Smith, Roberts, and Hawes.

## ON PUBLIC EXPENDITURES.

Messrs. Lovett, Heacock, Hale, Cunningham, and Pierce.

## ON PUBLIC MORALS.

Messrs. Maddox, Shepard, Haswell, Benton, and Tuttle.

## ON INTERNAL IMPROVEMENTS.

Messrs. McMurtry, Shafter, Wright, Hartson, and Montgomery.

## ON SWAMP AND OVERFLOWED LANDS

Messrs. Hall, Porter, Heacock, Freeman, and Meyers.

## ON JOINT COMMITTEE ON PRINTING

Messrs. Evans, Roberts, and Hamilton.

## ON FEDERAL RELATIONS.

Messrs. Hale, Hartson, Crane, Shafter, and Meyers.

## ON AGRICULTURE.

Messrs. Meyers, Cot, Hall, Rush, and Tuttle.

## ON PUBLIC PRINTING.

Messrs. Foulke, Meyers, Roberts, Cot, and Hamilton.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 15th, 1863. }

Mr. PRESIDENT:—The Assembly, on the twelfth instant, concurred in Senate concurrent resolution No. 8, relative to the appointment of a committee to receive proposals for the appointment of a Translator to translate the laws and documents of both Houses, and have appointed Messrs. Hill, Owen, and Brown, committee on the part of the House.

R. H. DALY,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pierce, for an Act to repeal portions of an Act entitled an Act to amend an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times.



On motion to suspend the rules, and read the bill a third time, the ayes and noes were demanded, by Messrs. Wright, Evans, and Kutz, and taken, with the following result:

AYES—Messrs. Montgomery, Pierce, and Rush—3.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—34.

So the motion was lost.

The bill was placed on file.

By Mr. Gaskill, for an Act to authorize an appropriation of money for the purpose of paying the expenses of improving the burial grounds and erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation.

Read first and second times, and placed on file.

Also, for an Act to repeal section second of an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

By Mr. Shafter, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, and to repeal all other Acts on the same subject, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Crane, for an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act creating a Board of Commissioners to revise and codify the laws of this State.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to authorize the Administrators of the estate of John A. Benson, deceased, to sell certain real estate at public or private sale.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hawes gave notice that at an early day he would introduce a bill to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

## GENERAL FILE.

Senate bill No. 10, an Act concerning the Calaveras Mining Company—referred to the Committee on Corporations.

Mr. Hartson offered the following resolution :

*Resolved*, That the Judiciary Committee be authorized and empowered to elect a Clerk for such committee, with compensation at the rate of five dollars per day.

Adopted.

## SPECIAL ORDER.

The hour having arrived for the consideration of the resolutions relative to drawing for Senatorial terms—

On motion of Mr. Evans, they were made the special order for twelve o'clock M., on Thursday, January fourteenth, eighteen hundred and sixty-four.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 15th, 1863. }

Mr. PRESIDENT:—The Assembly has this day adopted Assembly concurrent resolution No. 6, returning thanks of the people of the State of California to Ex-Governor Stanford;

Also, Assembly concurrent resolution No. 7, relative to bills or resolutions ordered printed by either House, and respectfully ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly concurrent resolution No. 6, above reported, was concurred in.

Assembly concurrent resolution No. 7, above reported, amended and adopted.

Mr. Crane moved to adjourn.

Lost.

Mr. Foulke offered a concurrent resolution indorsing the President's Proclamation of December eighth, eighteen hundred and sixty-three, and that part of the Proclamation referring to reconstruction.

On motion of Mr. Pierce, referred to Committee on Federal Relations.

Mr. Evans moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Kutz, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Hale, Hamilton, Hartson, Henry, Jones, Leonard, Lovett, Maddox, McMurtry, Montgomery, Moyle, Roberts, Tuttle, Wright, and Yule—  
22.

NOES—Messrs. Buckley, Dodge, Freeman, Gaskill, Hall, Haswell,

Hawes, Heacock, Kutz, Meyers, Pierce, Redington, Rush, Shafter, and Shepard—15.

So, at twelve o'clock and fifteen minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, December 16th, 1863. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Leave of absence for one day was granted to Mr. Haskin.

Journal of yesterday read and approved.

## REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolment have examined, and find correctly enrolled, Senate resolution relative to the Honorable W. H. Weeks, deceased.

MOYLE, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 8, an Act to regulate the recording of stamped instruments of writing, having had the same under consideration, report it back amended, and recommend its passage as amended;

Also, Senate bill No. 4, a bill for an Act supplementary to an Act to fix the salaries of judicial officers and provide for the payment of the same, approved April twenty-seventh, eighteen hundred and sixty-three, report the same back, and recommend that it be indefinitely postponed.

HARTSON, Chairman.

Mr. Maddox made the following report:

MR. PRESIDENT:—The committee to whom was referred Senate bill No. 9, entitled an Act to establish the compensation of the Supervisors of El Dorado County, report the same back with amendments, and recommend its passage as amended.

MADDOX, for Committee.

## IN COMMITTEE OF THE WHOLE.

On the motion of Mr. Henry, the rules were suspended, and Senate bill No. 9, above reported, was taken up and considered as in Committee of the Whole, and amended.

## IN SENATE.

Amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 16th, 1863. }

MR. PRESIDENT:—I am directed by the Assembly to inform the Senate that on the fifteenth instant, Messrs. Badlam, Hill, and Scott of Siskiyou, were appointed a Joint Committee on Printing.

R. H. DALY,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith, for an Act creating a Board of Commissioners to revise and codify the laws of this State.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Henry, for an Act to amend an Act entitled an Act to amend an Act to define the Senatorial Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to repeal an Act entitled an Act to provide a Special Fund for the construction of the State Capitol Building, at the City of Sacramento.

Read first and second times, and referred to the Finance Committee.

By Mr. Gaskill, for an Act to transfer certain Funds.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.



By Mr. Lovett, for an Act to fix the salary of the County Judge of Monterey County.

Read first and second times.

When, on motion of Mr. Lovett, the rules were suspended, and the bill considered.

Mr. Hawes moved to refer to the Judiciary Committee.

Motion lost.

Mr. Shafter moved to indefinitely postpone the bill.

Pending the consideration of which, the hour for the consideration of the Governor's Message arrived, and the special order was postponed for fifteen minutes.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Benton, Hall, and Pierce, and taken, with the following result:

AYES—Messrs. Cunningham, Dodge, Freeman, Hale, Hamilton, Hartson, Hawes, Kutz, Maddox, McMurtry, Meyers, Pierce, Porter, Reddington, Roberts, Rush, Shafter, and Yule—18.

NOES—Messrs. Benton, Buckley, Cot, Crane, Evans, Gaskill, Hall, Haswell, Heacock, Henry, Jones, Leonard, Lovett, Montgomery, Moyle, Shepard, Smith, Tuttle, and Wright—19.

So the motion to indefinitely postpone was lost.

Bill amended, rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the Governor's Second Annual Message, the message was taken up.

On motion of Mr. Gaskill, the Secretary was instructed to transmit the accompanying documents to the Assembly.

The Secretary proceeded to read the message.

On motion of Mr. Gaskill, the further reading was dispensed with, and that part relating to the finances was referred to the Finance Committee.

Also, that part relating to the State Capitol and Attorney General be referred to the same committee.

Also, that part relating to the Geological Survey be referred to the Committee on Mines and Mining Interests.

Also, that part relating to the Surveyor-General's Report be referred to the Committee on Public Lands.

Also, that part relating to manufactures be referred to the Committee on Internal Improvements.

Also, that part relating to State Library be referred to the Committee on State Library.

Also, that part relating to Indian affairs and California Volunteers be referred to the Committee on Military Affairs.

Also, that part relating to Federal relations be referred to the Committee on Federal Relations.

On motion of Mr. Jones, that part relating to military affairs was referred to the Committee on Military Affairs.

Mr. Redington moved that part relating to currency be referred to the Committee on Finance.

Mr. Pierce moved to amend by referring it to the Judiciary Committee.

Mr. Gaskill moved to amend the amendment by referring to the Committee on Federal Relations.

Both amendments were lost, and the matter referred to the Committee on Finance.

On motion of Mr. Redington, that part relating to harbor defences was referred to the Committee on Commerce and Navigation.

On motion of Mr. Moyle, that part relating to mines and mining interests was referred to the Committee on Mines and Mining Interests.

On motion of Mr. Kutz, that part relating to Common Schools was referred to the Committee on Education.

On motion of Mr. Cunningham, that part relating to codifying the laws was referred to the Judiciary Committee.

Also, that part relating to the State Militia was referred to the Committee on Military Affairs.

On motion of Mr. Heacock, that part relating to the eastern boundary survey was referred to the Committee on Counties and County Boundaries.

Also, that part relating to the Pacific Railroad, migration, and immigration, was referred to the Committee on Internal Improvements.

On motion, that part relating to agricultural interests was referred to the Committee on Agriculture.

On motion of Mr. Gaskill, that part relating to charitable institutions and State Prison was referred to the Committee on Public Buildings.

Also, that part relating to the Insane Asylum was referred to the Committee on Hospitals.

#### RESOLUTIONS.

Mr. Evans offered the following resolution :

*Resolved*, That the Chairmen of the Committees on Judiciary, Claims, and Finance be and they are hereby authorized to procure committee rooms for the use of their respective committees.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That William McCoy be and is hereby appointed an additional Porter of the Senate, at a per diem of four dollars.

Adopted.

Mr. Kutz offered the following resolution :

*Resolved*, That Bernard Steinman be and is hereby appointed Porter of the Judiciary, Finance, Claims, and other Standing Committees, at a per diem of four dollars, to be drawn from the Contingent Fund of the Senate.

Mr. Shafter moved to amend, by striking out the name of "Bernard Steinman," and inserting that of "Edward Clark."

Amendment carried.

The resolution as amended adopted.

Mr. Roberts offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to pro-

cure a suitable desk for the use of the Engrossing Clerk of the Senate, at an expense not to exceed twenty-five dollars, the same to be paid from the Contingent Fund of the Senate.

Adopted.

Mr. Moyle asked leave to withdraw the report made by the Committee on Enrolment this morning.

Leave granted.

Mr. Shafter offered a concurrent resolution relative to a committee room for the San Francisco delegation.

On the passage of which, the ayes and noes were demanded, by Messrs. Evans, Gaskill, and Roberts, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Evans, Freeman, Hamilton, Haswell, Heacock, Kutz, Leonard, Lovett, Maddox, Porter, Rush, Shafter, Shepard, and Wright—18.

NOES—Messrs. Benton, Cunningham, Foulke, Gaskill, Hale, Hall, Henry, Jones, McMurtry, Myers, Moyle, Pierce, Roberts, and Tuttle—14.

Mr. Evans gave notice of a motion to reconsider.

Mr. Jones gave notice that he would, at an early day, introduce a bill for taking a census of all of the inhabitants, and a statistical compilation of all of the agricultural, manufacturing, mechanical, and mineral products of this State.

#### GENERAL FILE.

Senate bill No. 11, an Act to repeal portions of an Act entitled an Act to amend an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved April twenty-seventh, eighteen hundred and sixty-three—referred to the Judiciary Committee.

At one o'clock and fifty minutes P. M., on motion of Mr. Henry, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, December 17th, 1863. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Leave of absence for one day was granted to Mr. Tuttle.

Journal of yesterday read, and corrected as follows: After the words "Attorney-General," line twenty-nine, page thirty-four, strike out the word "Finance," and insert the words "Public Buildings."

Journal approved as corrected.

#### PETITION.

Mr. Roberts presented a petition from citizens of Nevada County, asking for the repeal of the township law.

Referred to the Nevada delegation.

#### REPORTS.

Mr. Evans, from the Joint Committee on Printing, made the following report :

MR. PRESIDENT:—The Joint Committee on Printing have given the subject of printing the Governor's Message and accompanying documents, also Governor Low's Inaugural, their careful attention, and respectfully report the following as the number of each that in our judgment should be ordered printed, to wit:

Of the Governor's Annual Message, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Inaugural Address, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Controller's, Surveyor-General's, and Treasurer's Reports, nine hundred and sixty copies of each in English, and two hundred and forty in Spanish.

Of the Superintendent of Public Instruction's Report, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Adjutant-General's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Report of the State Geologist, two thousand four hundred copies.

Of the Reports of the Directors and Resident Physician of the Insane Asylum, and of the Secretary of State, nine hundred and sixty copies of each.

Of the Swamp Land Commissioners' Report, one thousand nine hundred and twenty copies.

Of the Reports of the State Prison Directors, State Librarian, State Capitol Commissioners, State Harbor Commissioners, and Trustees of the State Reform School, four hundred and eighty copies of each.

Of the Report of the Trustees of the California Institution for the Education of the Indigent Deaf, Dumb, and Blind, two hundred and forty copies.

And that the State Printer be directed to furnish the Adjutant-General with one thousand copies of his report for distribution to the officers of the California Volunteers and State Militia.

And to the Superintendent of Public Instruction, two thousand copies of his report for distribution to the Teachers and School Trustees throughout the State and for exchange with other States.

And to the Surveyor-General, two hundred and forty copies of his report for distribution to the County Surveyors, Assessors, and County Clerks of this State.



And to the Attorney-General, one hundred copies of his report for distribution to the District Attorneys throughout the State.

And to the Directors of the Insane Asylum, two hundred and forty copies, and to the Resident Physician one hundred copies, of their report for distribution at their discretion.

And to the Trustees of the State Reform School, one hundred and twenty copies of their report for distribution at their discretion.

And deliver the rest, as soon as printed, to the Sergeants-at-Arms of the two Houses, to be distributed pro rata among the members of this Legislature.

All of which is respectfully submitted.

GEO. S. EVANS,

On the part of Senate Committee.

A. BADLAM,

On the part of Assembly Committee.

Adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 16th, 1863. }

Mr. PRESIDENT:—The Assembly has this day concurred in Senate amendment to Assembly concurrent resolution No. 7, relative to bills or resolutions ordered printed.

R. H. DALY,

Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts, for an Act to amend an Act entitled an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gaskill, for an Act to amend an Act entitled an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to provide for the publication of notices, and for other purposes therein named.

Read first and second times, and referred to the Judiciary Committee.

Mr. Evans, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate concurrent resolution No. 8, relative to a committee room for the San Francisco delegation.

On the vote being taken, the ayes and noes were demanded, by Messrs. Evans, Heacock, and Roberts, and taken, with the following result :

AYES—Messrs. Buckley, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hawes, Henry, Haskin, Jones, Kutz, McMurtry, Meyers, Moyle, Pierce, Redington, Roberts, Shafter, Smith, and Yule—22.

NOES—Messrs. Burnell, Cot, Crane, Freeman, Hamilton, Hartson, Haswell, Heacock, Leonard, Lovett, Maddox, Montgomery, Porter, Rush, Shepard, and Wright—16.

So the vote was reconsidered.

Leave being granted, Mr. Shafter withdrew the resolution.

#### RESOLUTIONS.

Mr. Hale offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to purchase a suitable desk for his office, at a cost not exceeding twenty-five (25) dollars, payable out of the Contingent Fund of the Senate.

Adopted.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Senate concurrent resolutions No. 1, (the special order,) relative to the seat held in the United States Senate by Honorable J. A. McDougall, was taken up.

On motion of Mr. Gaskill, they were referred to a Select Committee of five, to be appointed by the President.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Engrossing Committee would respectfully report as correctly engrossed, Senate bill No. 9, entitled an Act to establish the compensation of the Supervisors of El Dorado County ;

Also, Senate bill No. 27, entitled an Act to fix the salary of the County Judge of Monterey County.

ROBERTS, Chairman.

On motion of Mr. Haswell, that part of the Governor's Second Annual Message relative to the Sanitary Fund was referred to the Committee on Public Morals.

#### GENERAL FILE.

Senate bill No. 24, an Act to transfer certain funds.

Mr. Gaskill moved to suspend the rules, consider the bill engrossed, and place the bill upon its final passage.

Upon which, the ayes and noes were demanded, by Messrs. Hawes, Cunningham, and Shafter, and taken, with the following result :

AYES—Messrs. Benton, Cot, Crane, Evans, Foulke, Freeman, Gaskill, Hamilton, Hartson, Haswell, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Pierce, Roberts, Rush, Smith, Wright, and Yule—25.

NOES—Messrs. Buckley, Burnell, Cunningham, Dodge, Hall, Hawes, Heacock, Kutz, Porter, Redington, Shafter, and Shepard—12.

So the rules were suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 4, an Act supplementary to an Act to fix the salaries of judicial officers, and provide for the payment of the same, approved April twenty-seventh, eighteen hundred and sixty-three—indeinitely postponed.

Senate bill No. 8, an Act to regulate the recording of stamped instru-

ments of writing—considered in Committee of the Whole, amended, amendments concurred in in Senate.

Mr. Kutz moved to further amend by striking out :

“Section 3. This Act shall take effect immediately.”

Lost.

Mr. Crane offered an additional section to take the place of section three, section three being section four, to wit :

“Section 3. It is hereby made the duty of the Secretary of State to immediately transmit to each of the County Recorders of this State a copy of this Act.”

Adopted.

Rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of paying the expenses of improving the burial grounds and erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation—referred to the Committee on Public Expenditures.

Senate bill No. 22, an Act to amend an Act entitled an Act to amend an Act entitled an Act to define the Senatorial Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Evans moved to make the bill the special order for Thursday, January fourteenth, eighteen hundred and sixty-four, at twelve o'clock M.

Lost.

Considered and amended in Committee of the Whole, and amendments concurred in in Senate.

Mr. Evans moved to refer the bill to the Committee on Elections, with instructions.

Lost.

Mr. Gaskill moved to amend so that the Senator from the Fourth District shall be paired with the Senator from the Fifth District, and the Senator from the Third District with the Senator from the Sixth District.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Burnell, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, and Wright—27.

NOES—Messrs. Cot, Hale, Hamilton, Leonard, Pierce, Rush, Shafter, Shepard, and Yule—9.

So the amendment was adopted.

Mr. Leonard moved to suspend the rules, consider the bill engrossed, and place it upon its final passage.

Lost.

Bill ordered engrossed.

The President announced as the Select Committee to whom was re-

ferred Senate Concurrent Resolution No. 1, relative to the seat held in the United States Senate by Hon. J. A. McDougall, Messrs. Gaskill, Hall, Heacock, Shafter, and Evans.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
December 17th, 1863. }

Mr. PRESIDENT :—The Assembly this day passed Assembly bill No. 42, as a substitute for Senate bill No. 2, an Act providing for the furnishing of members and officers with postage stamps and express envelopes.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
December 17th, 1863. }

Mr. PRESIDENT :—The Assembly has this day passed Senate bill No. 24, an Act to transfer certain funds.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 42, above reported, as a substitute for Senate bill No. 2, was read first and second times, rules suspended, read third time, and passed.

On motion of Mr. Crane, at three o'clock and ten minutes p. m., the Senate adjourned.

R. BURNELL,  
President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, December 18th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Leave of absence for one day was granted Mr. Smith.

Journal of yesterday read and approved.

The President announced as the Joint Committee on Translator on the part of the Senate, Messrs. Shafter, Evans, and Lovett.

#### REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :



Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate resolutions relative to Hon. W. H. Weeks, and have delivered the same to the Secretary of State;

Also, Senate bill No. 24, an Act entitled an Act to transfer certain funds, passed December seventeenth, eighteen hundred and sixty-three.

Said bill was, this the seventeenth day of December, eighteen hundred and sixty-three, at three o'clock and forty-five minutes P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Evans, from the Joint Committee on Printing, made the following report :

Mr. PRESIDENT :—The Joint Committee on Printing respectfully report in favor of and recommend that four hundred and eighty copies of the Attorney General's Report be ordered printed.

GEORGE S. EVANS,

On the part of Senate Committee.

BADLAM,

On the part of Assembly Committee.

Adopted.

Mr. Porter, from the Committee on Rules, made the following report :

Mr. PRESIDENT :—Your Committee on Rules ask leave to report, and recommend the adoption of the Rules herewith submitted for the government of the Senate.

We ask leave, also, to recommend the adoption of the Joint Rules herewith reported, for the government of the Senate and Assembly, the same having been approved by the Joint Committee of the Assembly.

PORTER, for Committee.

#### STANDING RULES OF THE SENATE.

##### 1.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

##### 2.

After the reading and approving of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from Assembly.
6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File, and Third Reading of Bills.
10. Unfinished Business of the Preceding Day.
11. Special Orders of the Day.

12. Reports from the Committees on Enrolment and on Engrossment shall at all times be in order.

3.

Messages from the Governor, State Officers, and from the Assembly, may be considered at any time.

4.

All bills, after the second reading, (if the same be not committed, but if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

5.

All questions relating to the priority of business shall be decided without debate.

6.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

7.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a Call of the Senate.
3. To Lay on the Table.
4. To Postpone to a Day certain.
5. To Commit.
6. To Amend.
7. To Postpone Indefinitely.

8.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

9.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

When two or more members rise at once, the President shall name the member who is to speak first.

No motion shall be debated until the same be seconded, and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

If objection be made to the introduction of a bill, except on report of a committee, it shall lie over one day, unless the Senate, by a two thirds vote, direct otherwise.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each whether it be the first, second, or third, which reading shall be on different days, unless the Senate, by a two thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed or placed on the general file. No bill shall be amended or committed until twice read.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly and without debate his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the President, or, in his absence, by the President pro tem, or, in the absence of both, by the acting President.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every

question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## 18.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President, or acting President, of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

## 19.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for a reconsideration of a vote making a final disposition of any bill or resolution be made on the day on which the same was taken; nor shall any question be reconsidered more than once. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

## 20.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## 21.

The following Standing Committees shall be appointed :



1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of seven members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Public Buildings, to consist of seven members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp and Overflowed Lands, to consist of five members.

## 22.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendments or extending to the merits, being short of the final question.

## 23.

On a motion made and seconded to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate to withdraw, and during the discussion of said motion the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

## 24.

The Committee on Engrossed Bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order :

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in "Cushing's Law and Practice of Legislative Assemblies."

The time of meeting of the Senate shall be eleven o'clock, A. M., (Sunday excepted,) and in case any other is named it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills, etc., of the Senate; he shall see that all officers of the Senate perform their respective duties. He shall have power to appoint the necessary Pages and Porters of the Senate. Places may be assigned to Reporters by the President.

When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present, nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

No rule shall be suspended without the concurrence of two thirds of the members present, and no additional rule or amendment of a rule shall be made without giving at least one day's notice, and the concurrence of two thirds of the members present; *provided*, that no rule requiring unanimous consent shall be suspended by operation of this rule.

All bills, on a second reading, shall be considered by the Senate in the same manner as if the Senate was in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall it be engrossed, and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order before the final passage of any such bill to move its commitment under special instructions.

The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the Journal.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate shall also be inserted in the Journal.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question, (or while acting under the previous question,) shall be decided, whether on appeal or otherwise, without debate.

A President pro tem shall be elected, who shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President, but the President pro tem shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for travelling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, draw the money on such checks for the members, (the same being previously signed by the President and indorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

No bill or other matter shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made, or bills audited; and maps accompanying documents shall not be printed under the general order to print, without the special direction of the Senate.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

In filling up blanks, the least sum or number and the shortest time shall be first put.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, Members of the Assembly, officers of the two Houses, and such Reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside the bar or in the gallery found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.



45.

When, by order of the Senate, any Senate bill shall have been considered engrossed and passed, it shall be the duty of the Committee on Engrossed Bills to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

46.

When nominations shall be sent by the Governor to the Senate for their confirmation, a future day shall be assigned for their consideration, unless the Senate shall unanimously direct otherwise.

47.

The general file shall be the special order for each day from twelve o'clock until two, P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

48.

No committee (standing or special) shall elect a Clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

49.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

50.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

51.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

52.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take place of the original bill or resolution, and shall be open to amendment.

## JOINT RULES.

## 1.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committees shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

## 2.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## 3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## 4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## 5.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

## 6.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

## 7.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## 8.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated

to the Governor of the State for his approval, (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

## 9.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

## 10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

## 11.

When a bill or resolution which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## 12.

When a bill or resolution which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

## 13.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

## 14.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

## 15.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

## 16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

## 17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

## 18.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## 19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

## 20.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution, except by unanimous consent.

## 21.

All concurrent or joint resolutions, which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

Mr. Porter moved that the usual number of copies be ordered printed.

Mr. Gaskill moved to amend by adding the Standing Committees.

Amendment carried.

The motion, as amended, was adopted.

Mr. Gaskill, from the Special Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT :—Your Special Committee on Contingent Expenses of the Senate have examined the following claims of temporary officers during the organization, and recommend their payment out of the Contingent Fund, as follows :

John White, Secretary.....	1 day at \$8.....	\$8 00
George I. Lytle, Sergeant-at-Arms.....	2 days at 8.....	16 00
Hiram Clock, Porter.....	6 days at 4.....	24 00
William McCoy, Porter.....	6 days at 4.....	24 00
M. Penney, Porter.....	6 days at 4.....	24 00
James Pennie, Paper-Folder.....	6 days at 3.....	18 00
Bernard Steinman, Post Office Page.....	6 days at 3.....	18 00
Samuel Cleveland, Fireman.....	6 days at 3.....	18 00

GASKILL, Chairman.



Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 18th, 1863.

*To the Senate of California:*

I herewith return, without my approval, Senate bill No. 24, an Act to transfer certain funds.

The Act of eighteen hundred and fifty-five, "to provide for the indigent sick in the counties of this State," provides that certain moneys received under the "Act concerning passengers arriving in the ports of this State," "shall be used for no purpose other than for the protection and support of the indigent sick, and shall constitute and be known as the Hospital Fund of the State of California." It also provides that each county shall receive its proportion of this Fund, and shall, in addition thereto, raise by taxation a Special County Hospital Fund. It seems to me that the Fund for the Relief of the Indigent Sick is, of all others, the one which should be most scrupulously reserved to the special use for which it is intended. This is so clearly in accordance with the first dictates of humanity that it has occurred to me that the bill under consideration—which proposes to transfer the money now in that Fund to a Legislative Fund—may have passed without an examination, by its supporters, of the Act of eighteen hundred and fifty-five, referred to.

I observe that the bill contains no provision for a return of the money sought to be transferred, from which I judge there is no intention to make such return. The Legislature certainly cannot intend to defeat the operation of a law which they permit to remain upon the statute book. If the section creating the State Hospital Fund is unnecessary, it ought to be repealed, and the counties empowered to raise, by an increased tax, the entire amount necessary for the support of their sick.

FRED'K F. LOW,  
Governor.

CONSIDERATION OF GOVERNOR'S MESSAGE.

Mr. Gaskill moved to make the message the special order for Tuesday, December twenty-second, at twelve o'clock, M.

Motion lost.

On motion of Mr. Wright, the message was taken up for consideration.

On the question, "Shall the bill pass, notwithstanding the veto of the Governor?" Mr. Crane moved to refer the bill and message to the Committee on Hospitals.

Mr. Hawes raised a point of order, to wit: that a bill returned with the Governor's objections cannot be again referred to a standing committee.

The President decided the point of order well taken.

The bill was then considered for some time.

Mr. Gaskill renewed the motion to refer to the Committee on Hospitals.

The Chair decided the motion out of order.

Mr. Gaskill appealed from the decision of the Chair.

On the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was taken, and the decision of the Chair overruled.

The question then being on the reference, the motion was lost.

On the passage of the bill, notwithstanding the veto of the Governor, the ayes and noes were taken, with the following result :

AYES—Messrs. Cot, Freeman, Gaskill, Hamilton, and Wright—5.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, Tuttle, and Yule—31.  
Messrs. Foulke, Jones, and Montgomery declined to vote.

So the veto was sustained.

Mr. Shafter was granted indefinite leave of absence.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 18th, 1863. }

*To the Senate of California :*

I herewith transmit to your honorable body the annual reports of the Trustees and officers of the State Reform School.

There being but one copy of these reports, I must request that the Assembly be informed of their reception by the Senate.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
December 18th, 1863. }

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly has this day passed Assembly bill No. 41, an Act to extend the time for the collection of State and county taxes for the year eighteen hundred and sixty-three, in the County of San Luis Obispo ;

Also, this day, passed Assembly bill No. 4, an Act to extend the time for the collection of taxes in the County of Lake.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 4, above reported, was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 41, above reported, was read first and second times, and referred to the Committee on Finance.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Foulke, for an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth,

eighteen hundred and fifty-five, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road leading from Napa Valley to Lake County.

Read first and second times, and placed on file.

By Mr. Burnell, for an Act concerning corporations formed for canal and ditch purposes.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act fixing the pay for mileage of State, county, city, and city and county officers in certain cases.

Read first and second times, and referred to the Committee on Finance.

Also, for an Act in reference to corporations organized in this State for the purpose of mining.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act to extend the time for completing the turnpike road leading from Doshes' store, in Ione Valley, to the Town of Jackson, in the County of Amador.

Read first and second times, and placed on file.

By Mr. Cot, for an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Pierce, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.

Read first and second times, and referred to the Sonoma delegation.

Also, for an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Sonoma County to appropriate money for a map, approved March twenty-eighth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Sonoma delegation.

#### GENERAL FILE.

Senate bill No. 29, an Act to amend an Act entitled an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, passed April twenty-seventh, eighteen hundred and sixty-three—referred to the Committee on Public Buildings.

At one o'clock P. M., on motion of Mr. Foulke, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, December 19th, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Indefinite leave of absence was granted to Mr. Hale; for three days to Mr. Burnell; and for one day to Mr. Heacock.

Journal of yesterday read, corrected, and approved.

## PETITIONS.

Mr. Wright presented a petition from Ralph S. Dorr, presenting certain claims.

Read, and referred to the Committee on Finance.

Mr. Freeman presented a petition from citizens of Tulare, asking an appropriation for certain purposes.

Referred to the Committee on Swamp and Overflowed Lands.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment would respectfully report as correctly engrossed, the following bills:

Senate bill No. 8, An Act to regulate the recording of stamped instruments of writing;

Also, Senate bill No. 22, an Act to amend an Act entitled an Act to amend an Act entitled an Act to define the Senatorial Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

ROBERTS, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 30, an Act to provide for the publication of notices, and for other purposes therein named, having had the same under consideration, report the same back, and recommend its indefinite postponement;

Also, Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, report the same back, and recommend its passage;

Also, Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, County of Sacramento, report the same back, with a substitute, and recommend the passage of the substitute;



Also, Senate bill No. 26, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, report it back, and recommend its passage ;

Also, Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, report the same back, and recommend its passage.

HARTSON, Chairman.

Mr. Pierce made the following report :

MR. PRESIDENT :—The Select Committee, to whom was referred Senate bill No. 40, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Sonoma County to appropriate money for a map, approved March twenty-eighth, eighteen hundred and sixty-three, have considered the same, and hereby report the same back, and recommend that it pass.

PIERCE, for Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 19th, 1863. }

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly, on the eighteenth instant, passed Assembly bill No. 20, an Act authorizing the Controller to draw his warrants on the Treasurer for audited claims upon the Military Fund.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 20, above reported, read first and second times, and referred to the Committee on Military Affairs.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Yule, for an Act to amend section four of an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight, approved April eighth, A. D. eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on Finance.

By Mr. Wright, for an Act for the relief of Ralph S. Dorr.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pierce, for an Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roberts, for an Act to repeal an Act entitled an Act to organ-

ize townships, and regulate their powers and duties, and submit the same to a vote of the people, passed May fifteenth, eighteen hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act.

Read first and second times, and referred to the Nevada delegation.

By Mr. Gaskill, for an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three.

Read first and second times.

Mr. Hawes moved to refer the bill to the Finance Committee.

Lost.

Mr. Porter moved to refer to the Committee on Swamp and Overflowed Lands.

Lost.

Mr. Hawes moved to make it the special order for Tuesday, December twenty-second, at one o'clock P. M.

Carried.

#### RESOLUTIONS.

Mr. Wright offered a concurrent resolution relative to the claim of F. S. Malone, for carriage hire.

Referred to the Committee on Claims.

Mr. Yule offered the following resolution :

*Resolved*, That the Committee on Mines and Mining Interests be authorized to appoint two members of said committee to visit the office of the State Geologist, in San Francisco.

Adopted.

Mr. Cunningham offered a concurrent resolution petitioning Congress to grant the right of way for California and Oregon Railroad, etc.

Mr. Hawes moved to refer to the Committee on Internal Improvements.

Lost.

Resolution adopted.

Mr. Hartson offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized and directed to procure suitable furniture for the purpose of furnishing the committee rooms of the Committees on Judiciary, Finance, and Claims.

Adopted.

#### GENERAL FILE.

Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road leading from Napa Valley to Lake County—considered in Committee of the Whole, reported back to the Senate without amendments, and ordered engrossed.

Senate bill No. 36, an Act to extend the time for completing the turn-pike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador—returned to file.

Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo

outstanding on the first day of July, in the year one thousand eight hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three—referred to the Finance Committee.

At one o'clock and thirty-five minutes P. M., on motion of Mr. Cot, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Monday, December 21st, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Dwinelle.

Journal of Saturday read and approved.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Evans, for an Act concerning offices.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Haswell, for an Act to authorize R. M. Turner to sell certain real estate of his infant children.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning estrays in certain counties in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Gaskill, for an Act to provide for publishing the laws of the State in the newspapers of the State.

Read first and second times, and placed on file.

By Mr. Maddox, for an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, A. D. eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Crane moved that the usual number of copies of Senate bill No. 31, an Act to amend an Act entitled an Act to amend an Act to regulate

fees of office, approved April tenth, eighteen hundred and fifty-five, approved May eighteenth, eighteen hundred and sixty-one, be printed.

Motion carried.

Mr. Jones offered the following resolution :

*Resolved*, That the Committee on Claims be and they are hereby authorized to elect a Clerk for their committee, who shall receive for his services as such Clerk the sum of five dollars per day.

Mr. Gaskill moved to amend by adding, "for each day's service actually rendered."

Amendment carried, and the resolution as amended adopted.

Mr. McMurtry gave notice that he would, at an early day, introduce a bill to amend the revenue laws of this State, making all possessory claims to real estate taxable.

#### GENERAL FILE.

Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's store, in Lone Valley, to the Town of Jackson, in the County of Amador—returned to the file.

Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three—considered in Committee of the Whole, reported back without amendments, and, on motion of Mr. Meyers, referred to the Judiciary Committee.

Senate bill No. 22, an Act to amend an Act entitled an Act to amend an Act to define Senatorial Districts of this State—read third time, and passed, and the title amended so as to read, "an Act to provide for the allotment of Senators, pursuant to section six, Article Fourth, of the Constitution."

Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—considered in Committee of the Whole, reported back without amendment, and ordered engrossed.

Senate bill No. 26, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty—considered in Committee of the Whole, reported back without amendment, and ordered engrossed.

Senate bill No. 30, an Act to provide for the publication of notices, and for other purposes therein named.

Mr. Hawes moved to recommit the whole subject to the Judiciary Committee, with instructions to consider and report at an early day upon the expediency of incorporating the substantial provisions of the bill, so far as practicable, in a constitutional amendment, and to report such constitutional amendment to the Senate, if deemed expedient, for the approval of the Legislature, according to the provisions of the Constitution on that subject.

Motion to recommit lost.

Bill indefinitely postponed.

Senate bill No. 40, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Sonoma County to appropriate money for a



map, approved March twenty-eighth, eighteen hundred and sixty-three—referred to the Judiciary Committee.

Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, County of Sacramento—substitute adopted, and ordered engrossed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 21st, 1863. }

Mr. PRESIDENT:—The Assembly, on the nineteenth instant, passed Assembly bill No. 3, an Act to grant Ruell Stickney the right to construct a bridge over Big River;

Also, same day, passed Assembly bill No. 13, an Act to fix the bonds of the Sheriff of Santa Clara County;

Also, same day, passed Assembly bill No. 29, an Act authorizing the Board of Supervisors of Klamath County to levy a special tax to create a Contingent Fund for said county;

Also, passed Senate bill No. 9, an Act to establish the compensation of the Supervisors of El Dorado County;

Also, same day, passed Assembly bill No. 6, an Act to create a Contingent Fund for Humboldt County;

Also, this day, passed Assembly concurrent resolution No. 8, relative to adjournment of both Houses from the twenty-third instant to the fifth day of January next, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 6, above reported, read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 3, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 13, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 29, above reported, read first and second times, rules suspended, considered in Committee of the Whole, and reported back without amendments, read third time, and passed.

Assembly concurrent resolution No. 8, above reported, on motion of Mr. Hartson, was laid on the table until Tuesday, December twenty-second, eighteen hundred and sixty-three.

At one o'clock and forty minutes P. M., on motion of Mr. Yule, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 22d, 1863. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Father Gallagher.

Indefinite leave of absence was granted to Mr. Wright.

Journal of yesterday read and approved.

## REPORTS.

Mr. Crane, of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Judiciary Committee, to whom was referred Senate bill No. 38, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof, having had the same under consideration, report the same back, and recommend it be indefinitely postponed.

HARTSON, Chairman.

Mr. Cunningham, Chairman of the Committee on Finance, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 41, an Act to extend the time for the collection of State and county taxes, for the year eighteen hundred and sixty-three, in the County of San Luis Obispo, report the same back, and recommend its passage ;

Also, Assembly bill No. 4, an Act to extend the time for collection of taxes in the County of Lake, and recommend that it do not pass ;

Also, Senate bill No. 13, An Act to repeal section two of an Act entitled an Act to transfer certain funds, and recommend its indefinite postponement ;

Also, Senate bill No. 34, An Act fixing the pay for mileage of State, county, city, and city and county officers, in certain cases, and recommend that the usual number of copies be printed ;

Also, Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the debt of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three, and recommend its passage as amended ;

Also, Senate bill No. 41, an Act to amend section four of an Act amendatory of and supplemental to an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight, approved April eighth, eighteen hundred and sixty-three, and recommend its indefinite postponement.

CUNNINGHAM, Chairman.

On motion of Mr. Cot, the rules were suspended, and Assembly bill No. 41, above reported, was now considered, read the third time, and passed.

Mr. Kutz made the following report :

MR. PRESIDENT :—The Nevada delegation, to whom was referred Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, passed May eighteenth, eighteen hundred and sixty-three, having considered the same, respectfully report it back, and recommend its passage.

KUTZ,  
ROBERTS.

Mr. Gaskill, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—Your Committee on Contingent Expenses have examined the following claims of temporary officers during the organization, and recommend their payment out of the Contingent Fund, as follows :

James Crandall, Page.....	Four days, at \$3 ....	\$12 00
Grove Hunt, Page.....	Four days, at 3 .....	12 00
Total .....	.....	\$24 00

GASKILL, Chairman.

Adopted.

Mr. McMurtry made the following report :

MR. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 13, an Act to fix the bonds of the Sheriff of Santa Clara County, has given the same due consideration, and report the same back to the Senate, and recommend that it pass without amendment.

McMURTRY, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message, with accompanying letter, was received from the Governor, and, on motion of Mr. Kutz, the letter was ordered spread upon the Journal :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 22d, 1863. }

*To the Senate of California :*

I have the honor to transmit herewith a copy of a letter from Major-General Joseph Hooker, acknowledging the receipt of certain resolutions adopted by the last Legislature.

Although the letter is addressed to the Governor, I have thought it meet and proper that a copy should be furnished each branch of the Legislature, to the end that the noble sentiments so modestly expressed

therein may be entered upon the Journals, and thus become a portion of the history of our State.

FRED'K F. LOW,  
Governor.

MAJOR GENERAL JOSEPH HOOKER TO THE GOVERNOR OF CALIFORNIA.

[Copy.]

WASHINGTON, D. C.,  
September 20th, 1863. }

*To his Excellency the Governor of California.*

GOVERNOR:—I have the honor to acknowledge, through the Honorable William H. Weeks, Secretary of State, a copy of the resolutions passed by the Legislature of California at its last session, and to return my heartfelt and grateful acknowledgments for the confidence and satisfaction conveyed therein, in behalf of the State, on my promotion to the command of the Army of the Potomac.

I am also deeply sensible, and no less grateful, for the complimentary manner in which the Legislature has been pleased to refer to my services in the National cause. That they have appeared satisfactory to our fellow citizens affords me inexpressible gratification.

My name is borne on the Army Register as a representative of our adopted State, and, if I may except the honorable and complete success of our arms over our enemies, I can esteem nothing more highly than its good opinions of the manner in which I have performed my duties in this giant rebellion; no reward can be of more value.

It is inadmissible in me to refer to my official connection with the Army of the Potomac; that can only be learned from my report, when made public through the prescribed channels. I can only add that I relinquished its command from the highest considerations of the public good, and with the unshaken confidence of the Government, and of the army, in my ability to guide and direct its fortunes.

With great respect,

I have the honor to be

Your obedient servant,

(Signed:)

JOSEPH HOOKER,

Major-General.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith, for an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Montgomery, for an Act to provide for the election of a Board of Supervisors in Merced County.

Read first and second times.

On the motion to suspend the rules, the ayes and noes were demanded, by Messrs. Montgomery, Burnell, and Heacock, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Evans, Hall, Hamilton, Haswell, Hawes, Heacock, Haskin, Jones, Lovett, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Rush, Shepard, Smith, Tuttle, and Yule—25.



NOES—Messrs. Crane, Dodge, Foulke, Gaskill, Hartson, Kutz, Leonard, Maddox, Redington, and Roberts—10.

So the rules were suspended, the bill considered in Committee of the Whole, and reported back without amendment, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

By Mr. Yule, for an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

On the motion to suspend the rules and consider the bill now, the ayes and noes were taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Dodge, Evans, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Pierce, Roberts, Shepard, Smith, Tuttle, and Yule—27.

NOES—Messrs. Maddox, Redington, and Rush—3.

So the rules were suspended, the bill considered in Committee of the Whole, reported back without amendment, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

By Mr. Moyle, for an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty.

Read first and second times, and placed on file.

Also, for an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act supplementary to and explanatory of an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Haswell gave notice that he would, at some future day of the session, introduce a bill to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

#### GENERAL FILE.

Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador—considered in Committee of the Whole, and reported without amendment, and ordered engrossed.

Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—on motion, the bill was made the special order for Tuesday, January twelfth, eighteen hundred and sixty-four, at twelve o'clock M.

Mr. Hawes moved to reconsider the vote by which the above named bill was made the special order for January twelfth next.

Lost.

On motion of Mr. Henry, the usual number of copies of the bill was ordered printed.

Senate bill No. 50, an Act to amend an Act entitled an Act concerning estrays in certain counties in this State, passed April twenty-seventh, eighteen hundred and sixty-three—considered in Committee of the Whole, reported back without amendment, and ordered engrossed.

Senate bill No. 51, an Act to provide for publishing the laws of this State in the newspapers of this State—referred to the Finance Committee.

Senate bill No. 34, an Act fixing the pay for mileage of State, county, city, and city and county officers in certain cases—ordered printed, and referred to the Finance Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 22d, 1863. }

Mr. PRESIDENT:—The Assembly has, this day, passed Assembly bill No. 63, an Act providing for the transfer of cases on the first day of January next to the Courts established by the present Constitution.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 63, above reported, was, under a suspension of the rules, considered in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly concurrent resolution No. 8, relative to adjournment, was taken from the table.

Mr. Yule moved to amend by striking out the words "Wednesday, twenty-third," and inserting instead "Thursday, twenty-fourth." Also, by striking out "January fifth," and inserting "January first."

The question being divided, the first amendment was lost.

Mr. Crane moved to amend the last proposition of Mr. Yule by inserting "December twenty-ninth."

Lost.

Mr. Gaskill moved to amend by inserting "December thirty-first."

Lost.

On the amendment to strike out "January fifth," and insert "January first," the vote being taken, was lost.

On the concurrence in the resolution, the ayes and noes were demanded, by Messrs. Evans, Burnell, and Cunningham, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Foulke, Freeman, Hall, Hamilton, Hartson, Haswell, Hawes, Henry, Jones, Leonard, Lovett, Maddox, Meyers, Montgomery, Moyle, Redington, Shepard, Smith, and Yule—23.

NOES—Messrs. Benton, Cot, Crane, Evans, Gaskill, Heacock, Haskin, Kutz, McMurtry, Pierce, Porter, Roberts, Rush, and Tuttle—14.

So the resolution was concurred in.

Mr. Benton offered the following resolution.

*Resolved*, That the Committee on State Prison and Public Buildings have leave to visit the State Prison and public buildings at such times as they may determine.

Mr. Buckley offered the following substitute :

*Resolved*, That the Standing Committees on Hospitals, State Prison and Public Buildings be and are hereby instructed to make an official visit to said institutions during the time allowed by adjournment. Also, to the charitable institutions located at San Francisco.

On the vote being taken, the substitute was lost.

#### IN COMMITTEE OF THE WHOLE.

Pending the consideration of the resolution, the hour having arrived for the consideration of Senate bill No. 46, (the special order) an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, the bill was taken up, considered in Committee of the Whole, and reported back with amendments.

#### IN SENATE.

The question being on concurring in the amendments made in Committee of the Whole, the vote was taken on the following amendment : Insert in section three, line two, after the words "and for no other purpose whatever," the words "except that the said Treasurer may pay out of said money so transferred an amount not exceeding five thousand dollars to the State Printer for legislative printing for the present session of the Legislature." The amendment was concurred in.

The question being on the adoption of the following amendment, to wit: after the word "State," in line six, section three, insert "*provided*, that warrants heretofore drawn shall only be paid out of this Fund when in the hands of the original owners." The vote was taken, and the amendment lost.

On the motion to amend section three, line five, by inserting after the word "warrants" the words "that have been," the vote was taken and lost.

Several amendments, made in Committee of the Whole, were concurred in.

Mr. Burnell moved to strike out the words "drawn and," in line five, section three.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Benton, and Evans, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Crane, Cunningham, Dodge, Evans, Hall, Hartson, Haswell, Haskin, Maddox, McMurtry, Meyers, Moyle, Porter, and Smith—16.

NOES—Messrs. Benton, Buckley, Foulke, Freeman, Gaskill, Hamilton, Heacock, Henry, Jones, Leonard, Lovett, Montgomery, Pierce, Redington, Roberts, Rush, Shepard, Tuttle, and Yule—19.

So the amendment was lost.

Mr. Hawes offered the following amendment :

"SEC. 5. The District Judges in the several Judicial Districts of this State, whenever their salaries shall have been duly audited and warrants for the amounts respectively due them for salaries shall have been drawn by the Controller of State, shall be entitled to draw the amounts specified in such warrants from any moneys belonging to the General Fund of the State remaining in the County Treasuries of the several counties composing the respective Judicial District at the time of the presentation of such warrants, and the amount of all warrants so presented to and paid by County Treasurers shall be allowed them as cash in their respective settlements with the Controller, to be made as provided by law, when such warrants shall be returned to the Controller and cancelled."

On which amendment, the ayes and noes were demanded, by Messrs. Hawes, Cunningham, and Crane, and taken, with the following result :

AYES—Messrs. Crane, Dodge, Hawes, Haskin, and Montgomery—5.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shepard, Tuttle, and Yule—31.

So the amendment was lost.

On motion of Mr. Gaskill to suspend the rules, consider the bill engrossed, and place it upon its third reading, the ayes and noes were demanded, by Messrs. Gaskill, Yule, and Rush, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Evans, Freeman, Gaskill, Hall, Hamilton, Haswell, Henry, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Rush, Shepard, Tuttle, and Yule—21.

NOES—Messrs. Cot, Crane, Cunningham, Dodge, Foulke, Hartson, Hawes, Haskin, Kutz, Moyle, Pierce, Porter, Redington, and Roberts—14.

So the motion was lost.

On the motion to order the bill engrossed, the ayes and noes were demanded, by Messrs. Hawes, Burnell, and Cot, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Roberts, Rush, Shepard, Tuttle, and Yule—27.

NOES—Messrs. Cot, Crane, Cunningham, Dodge, Foulke, Hawes, Pierce, Porter, and Redington—9.

So the bill was ordered engrossed.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :



Mr. PRESIDENT :—Your Committee on Engrossment would respectfully report as correctly engrossed the following bills : Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 26, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

ROBERTS, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
December 22d, 1863. }

Mr. PRESIDENT :—The Assembly has, this day, passed Senate bill No. 54, an Act to provide for the election of a Board of Supervisors in Merced County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
December 22d, 1863. }

Mr. PRESIDENT :—The Assembly has, this day, passed Assembly bill No. 25, an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Assembly bill No. 26, an Act to fix the terms of the County Court and Probate Court of the County of El Dorado;

Also, Senate bill No. 55, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Assembly bill No. 66, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 66, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 26, above reported, was read first and second times, rules suspended, considered in Committee of the Whole, reported back without amendments, read third time, and passed.

Assembly bill No. 25, above reported, was read first and second times, and referred to the Judiciary Committee.

At three o'clock and forty-five minutes P. M., on motion of Mr. Yule, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, December 23d, 1863. }

Senate met pursuant to adjournment.  
 President in the Chair.  
 Roll called.  
 Quorum present.  
 Prayer by Reverend Father Gallagher.  
 Journal of yesterday read and approved.

## PETITIONS.

Mr. Crane presented a petition of bond and coupon holders of the old Indian war debt of the State of California.  
 Referred to the Committee on Claims.

## REPORTS.

Mr. Crane, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly Bill No. 66, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, having had the same under consideration, report the same back, and recommend its passage.

CRANE, for the Committee.

On motion of Mr. Crane, the rules were suspended, and Assembly bill No. 66, above reported, considered now.

Considered in Committee of the Whole, reported back without amendments, read third time, and passed.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of F. S. Malone, for carriage hire, for carriages used during the inauguration, have had the same under consideration, and respectfully report in favor of the claim, and recommend the adoption of the accompanying concurrent resolution.

JONES, Chairman.

Senate concurrent resolution No. 8, above reported, was adopted.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 9, an Act entitled an Act to establish the compensation of the Supervisors of El Dorado County, passed Senate December sixteenth, passed Assembly December nineteenth;

Also, Senate bill No. 54, an Act to provide for the election of a Board

of Supervisors in Merced County, passed December twenty-second, eighteen hundred and sixty-three;

Also, Senate bill No. 55, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, passed December twenty-second, eighteen hundred and sixty-three;

And that said bills were, this twenty-third day of December, one thousand eight hundred and sixty-three, at eleven o'clock, A. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report:

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Senate bill No. 43, having carefully considered the same, report it back to the Senate and respectfully recommend that it be indefinitely postponed.

MADDOX, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment would respectfully report that they have examined and found correctly engrossed, Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road from Napa Valley to Lake County;

Also, Senate bill No. 46, an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three;

Also, Senate bill No. 50, an Act to amend an Act entitled an Act concerning estrays in certain counties in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

ROBERTS, Chairman.

On the motion of Mr. Gaskill that the rules be suspended and Senate bill No. 46, above reported, be taken up and considered now, the ayes and noes were demanded, by Messrs. Gaskill, Yule, and Maddox, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Jones, Leonard, Lovett, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—31.

NOES—Messrs. Evans, Kutz, Maddox, McMurtry, and Smith—5.

So the bill was taken up.

Mr. Gaskill moved that the bill be referred to a special committee of three, to be appointed by the President, with the following instructions:

Strike out the words "drawn and," after the words "Fifteenth Legislature," and insert as follows: "*Provided*, that all warrants drawn on the General Fund for the per diem and mileage aforesaid in the hands of

original holders, and no other, shall be cancelled by the Controller, and new warrants of equal amount issued instead thereof, drawn upon the Special Legislative Fund."

Mr. Smith offered the following as a substitute to the above instructions:

That the bill be referred to a special committee of three, with instructions to amend section three by striking out the words "drawn and to be drawn," in line four, and in place thereof inserting the words "that may be drawn," and report the same back immediately.

Substitute lost.

The question being on the adoption of Mr. Gaskill's motion, the ayes and noes were demanded, by Messrs. Smith, Heacock, and Gaskill, and taken, with the following result:

AYES—Messrs. Buckley, Cot, Crane, Foulke, Freeman, Gaskill, Hale, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Montgomery, Moyle, Pierce, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—26.

NOES—Messrs. Burnell, Cunningham, Dodge, Evans, Hall, Hawes, McMurtry, Meyers, Porter, Redington, and Smith—11.

So the motion was adopted.

Messrs. Gaskill, Leonard, and Evans, were appointed said committee.

Mr. Wright made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 6, an Act to create a Contingent Fund for Humboldt County, have had the same under consideration, and respectfully report the same back, with the recommendation that it pass.

WRIGHT, for Delegation.

Assembly bill No. 6, above reported, was taken up under a suspension of the rules, considered in Committee of the Whole, reported back without amendment, read third time, and passed.

#### MESSAGE FROM THE GOVERNOR

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 23d, 1863. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have this day approved Senate bill No. 54, an Act to provide for the election of a Board of Supervisors in Merced County;

Also, Senate bill No. 55, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

FRED'K F. LOW, Governor.



## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crane, for an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pierce, for an Act for the relief of D. P. Shattuck.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

## REPORT.

Mr. Gaskill made the following report :

Mr. PRESIDENT :—Your committee to whom was referred Senate bill No. 46, have had the same under consideration, and recommend that the amendments contained in the special instructions be adopted, to wit: Strike out the words "drawn and" in section third, line fourth. Insert after the word "State," section third, line eighth, the following proviso :

*"Provided, that all warrants drawn on the General Fund for the per diem and mileage aforesaid in the hands of original holders, and no other, shall be cancelled by the Controller, and new warrants of equal amount issued instead thereof, drawn upon the Special Legislative Fund created by this Act."*

The report was adopted, and Senate bill No. 46, above reported, was amended as recommended by the committee.

The bill was then read the third time.

On the final passage, the ayes and noes were demanded, by Messrs. Evans, Cot, and Hawes, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Gaskill, Hale, Hamilton, Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Moyle, Pierce, Roberts, Rush, Tuttle, Wright, and Yule—22.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Evans, Hall, Hawes, Haskin, McMurtry, Meyers, Porter, Redington, Shepard, and Smith—14.

So the bill passed, and was ordered transmitted to the Assembly immediately.

Mr. Kutz moved to reconsider the vote by which the Senate on yesterday concurred in Assembly concurrent resolution No. 8, relative to adjournment.

Mr. Evans raised the point of order that the resolution was out of the possession of the Senate, and therefore could not be reconsidered.

The President decided the point of order well taken.

Mr. Kutz offered a concurrent resolution rescinding Assembly concurrent resolution No. 8.

Mr. Gaskill offered the following substitute :

*Resolved, By the Senate, the Assembly concurring, that the joint resolution on adjournment from the twenty-third instant to January fifth, eighteen hundred and sixty-four, is hereby rescinded.*

*Resolved*, That when we adjourn on Thursday, the twenty-fourth instant, we adjourn until Tuesday, the twenty-ninth of December.

Substitute rejected.

On the adoption of Mr. Kutz's resolution, the ayes and noes were demanded, by Messrs. Kutz, Crane, and Foulke, and taken, with the following result :

AYES—Messrs. Cot, Crane, Evans, Gaskill, Heacock, Henry, Haskin, Kutz, Pierce, Porter, Roberts, Rush, Tuttle, and Wright—14.

NOES—Messrs. Buckley, Burnell, Cunningham, Dodge, Foulke, Hale, Hall, Hamilton, Hartson, Hawes, Jones, Leonard, Lovett, Maddox, McMurtry, Moyle, Redington, Shepard, Smith, and Yule—20.

So the resolution was lost.

At one o'clock and twenty minutes P. M., on motion of Mr. Hartson, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, January 5th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Hertel.

Journal of Wednesday, December 23d, 1863, read, and Mr. Pierce's name appearing as having voted in the affirmative on the final passage of Senate bill No. 46, he was, by consent, recorded as having voted in the negative, and the Journal, as corrected, approved.

Mr. Dodge was granted leave of absence for two days.

The President presented the third annual report of the Trustees of the State Library, and the number of copies recommended by the Joint Committee on Printing were ordered printed.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
Sacramento, December 23d, 1863. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 9, an Act to establish the compensation of the Supervisors of El Dorado County.

The proviso to the first section directs that the order of the Supervisors may be presented to the Treasurer, upon which he shall pay if he

has funds. Section two provides that if the Treasurer has not funds with which to pay the demand, then the County Auditor shall draw his warrant for the said amount in the usual form.

The proviso seems to me to be in contravention of the established mode of transacting the business of the several counties, which should not be departed from. All demands approved by the Supervisors should be presented to the Auditor, for which he should draw warrants on the Treasurer; otherwise the check of the Auditor on the Treasurer is done away with. If exceptions to this rule are made, it is in effect making preferred claims on the Treasury, which should not be allowed except in extreme cases.

FRED'K F. LOW,  
Governor.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the ayes and noes were taken, with the following result:

AYES—None.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—35.

Mr. Shafter was excused from voting.

So the objections of the Governor were sustained.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 23d, 1863. }

MR. PRESIDENT:—The Assembly has this day passed Assembly bill No. 1, an Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 48, an Act fixing the salary of the District Attorney of the County of Yolo;

Also, this day, concurred in Senate concurrent resolution No. 9, relating to railroad to Oregon;

Also, indefinitely postponed Senate bill No. 27, an Act to fix the salary of the County Judge of Monterey County.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 1, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 48, above reported, read first and second times, and referred to the Yolo delegation.]

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crane, for an Act to fix the times of holding the District Court of the Third Judicial District.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gaskill, for an Act to provide for the establishment of a State Agricultural College and Farm.

Read first and second times, referred to the Committee on Education, and the usual number of copies ordered printed.

Also, for an Act in relation to county seats.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.

Also, for an Act supplemental to an Act entitled an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto.

Read first and second times, and referred to the Committee on Elections.

By Mr. Foulke, for an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.

By Mr. Wright, for an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State.

Read first and second times, and placed on file.

By Mr. Redington, for an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for the purchase of a lot and building adjoining the City Hall in said city, and county, and for alteration and repairs thereof.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cunningham, for an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-two, and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Moyle, for an Act regulating payments of money into the Treasury of the County of Sierra.

Read first and second times, and placed on file.

Mr. Gaskill offered a concurrent resolution relative to the donation of public lands by Congress to the several States who may provide Colleges for the benefit of agriculture and the mechanic arts.

Read first and second times, and referred to the Joint Committee on Agricultural Colleges.



## GENERAL FILE.

Senate bill No. 13, an Act to repeal section two of an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three—*indefinitely postponed*.

Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three—*amended and ordered engrossed, and read third time*.

Senate bill No. 38, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof—*indefinitely postponed*.

Senate bill No. 41, an Act to amend section four of an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight, approved April eighth, eighteen hundred and sixty-two—*ordered to top of file for Wednesday, January twentieth*.

Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to a vote of the people, passed May fifteenth, eighteen hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act—*recommitted to the Nevada delegation*.

Assembly bill No. 4, an Act to extend the time for collecting taxes in the County of Lake—*indefinitely postponed*.

Assembly bill No. 13, an Act to fix the bonds of the Sheriff of the County of Santa Clara—*considered in Committee of the Whole, reported back without amendment, read third time, and passed*.

Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, eighteen hundred and sixty-three—*referred to the Judiciary Committee*.

Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty—*ordered to top of file for Wednesday, January sixth, eighteen hundred and sixty-four*.

Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road leading from Napa Valley to Lake County—*read third time, and passed*.

Senate bill No. 43, an Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—*recommitted to the Committee on Public Morals*.

Senate bill No. 50, an Act to amend an Act entitled an Act concerning estrays in certain counties in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Mr. Hawes moved to refer to the Sutter delegation, with the following instructions:

Strike out all after the enacting clause and insert the following:

"The County of Sutter is hereby exempted from the operations of said Act."

Mr. Burnell moved to reconsider the vote by which the Senate ordered the bill engrossed and read third time.

Carried.

On motion of Mr. Hale, the bill was referred to the Sutter delegation. At one o'clock P. M., on motion of Mr. Burnell, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, January 6th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—Your Committee on Corporations, to whom was referred Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes, report the same back, with a substitute, and recommend that the substitute do pass ;

Also, Senate bill No. 10, an Act concerning the Calaveras Mining Company, with a substitute, and recommend the passage of the substitute.

SMITH, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred the claim of F. F. Fargo, for services rendered as Clerk of the Supreme Court, have given the same due consideration, and respectfully report in favor of the allowance of the claim in the sum of seven hundred and fifty-four dollars and fifty cents, and recommend the passage of the accompanying bill providing for the payment thereof.

The committee further report that they have had under consideration the claim of Phil Caduc for ice furnished the Supreme Court in the year eighteen hundred and sixty-two, to the amount of one hundred and twenty dollars, and recommend that the same be not allowed.

JONES, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

Mr. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 3, an Act relating to the Judicial Department of the State, having had the same under consideration, report the same back, and recommend its indefinite postponement;

Also, Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, report the same back, and recommend the usual number of copies be printed, and re-referred to the committee.

HARTSON, Chairman.

Mr. EVANS, Chairman of the Committee on Military Affairs, made the following report :

Mr. PRESIDENT :—Your Committee on Military Affairs, to whom was referred Assembly bill No. 20, an Act authorizing the Controller to draw his warrants upon the Treasurer for audited claims upon the Military Fund, have had the same under consideration, and report the bill back to the Senate with the accompanying substitute, and respectfully recommend the adoption and passage of the substitute.

EVANS, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 5th, 1864. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body a report of the Board of Commissioners created by concurrent resolution of April twenty-second, eighteen hundred and sixty-three. There being but one copy of the report, the Senate is respectfully requested to inform the Assembly of its reception.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }  
January 5th, 1864. }

Mr. PRESIDENT :—The Assembly has this day passed Senate bill No. 46, an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three.

Also, this day, concurred in Senate concurrent resolution No. 11, appropriating money to pay the claim of F. S. Malone, for carriage hire.

R. H. DALY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Burnell, for an Act to authorize the removal of the office and principal place of business of mining corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hawes, for an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

Read first and second times, referred to the San Francisco and San Mateo delegations, and the usual number of copies ordered printed.

By Mr. Smith, for an Act to provide for the collection of certain moneys due this State.

Read first and second times, and referred to the Finance Committee.

By Mr. Gaskill, for an Act to provide for the enumeration of the inhabitants of the State of California.

Read first and second times, referred to the Committee on Elections, and the usual number of copies ordered printed.

Also, for an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hartson, for an Act to provide for the election of a Sheriff in Mendocino County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cunningham, for an Act providing for the time of holding the several Courts of record in the Tenth Judicial District.

Read first and second times, and referred to the delegations representing the Tenth Judicial District.

By Mr. Hale, for an Act to amend an Act entitled an Act concerning grand and trial juries, approved April twenty-seventh, A. D. eighteen hundred and sixty-three.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.

Also, for an Act to legalize certain records in the office of the Recorder of Placer County.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory and supplementary thereto.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.

Also, for an Act to legalize the records in the offices of the County Recorders of this State of patents to lands, executed and verified by the Government of the United States and by the Government of the State of California.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.

Also, for an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, eighteen hundred and fifty-seven.

Read first and second times, referred to the Judiciary Committee, and the usual number of copies ordered printed.



By Committee on Corporations, for an Act concerning corporations formed for canal and ditch purposes.

Read first and second times, ordered on file, and the usual number of copies ordered printed.

Also, for an Act concerning the Calaveras Mining Company.

Read first and second times, and placed on file.

By Committee on Claims, for an Act to appropriate money to pay the claim of F. F. Fargo.

Read first and second times, and referred to the Finance Committee.

On motion of Mr. Hartson, the usual number of copies of Senate bill No. 14, an Act to amend an Act to regulate proceedings in Courts of justice, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory and supplementary thereto, was ordered printed.

#### RESOLUTIONS.

Mr. Yule offered the following resolution :

*Resolved*, That the State Printer be directed to print four hundred and eighty additional copies of the Controller's report for the use of the Senate.

Adopted.

Mr. Porter offered a concurrent resolution relative to the printing of extra copies of the report of the Commissioners on the establishment of a State University, etc.

Adopted.

Mr. Jones offered the following concurrent resolution :

*Resolved*, By the Senate, the Assembly concurring, that the Secretary of the Senate and the Clerk of the Assembly be and are hereby directed to furnish the State Printer with a copy of all bills of a general nature introduced in their respective Houses, and that the usual number of copies of the same is hereby ordered printed, unless otherwise specially directed.

Lost.

Mr. Redington gave notice that he would, at an early day, introduce an Act to re-district the City and County of San Francisco.

#### GENERAL FILE.

Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty—considered as in Committee of the Whole, reported back without amendments, ordered engrossed, and read third time.

Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State—referred to the Judiciary Committee.

Senate bill No. 68, an Act regulating payments of money into the Treasury of the County of Sierra—considered as in Committee of the Whole, reported back without amendments, ordered engrossed, and read third time.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 6th, 1864. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the transactions of the State Board of Agriculture for the year eighteen hundred and sixty-three. There being but one copy of this report, the Senate is respectfully requested to inform the Assembly of its reception.

FRED'K F. LOW,  
Governor.

The report was referred to the Committee on Agriculture.

On motion of Mr. Crane, at one o'clock and five minutes P. M., the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 7th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Indefinite leave of absence was granted to Messrs. Tuttle and Hawes.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Haskin presented a petition from citizens of Mono County relative to a county seat.

Placed on file.

Mr. Yule presented a petition from citizens of Wisconsin Hill, Placer County, asking for a special School tax.

Referred to the Committee on Education.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Assembly bill No. 1, an Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved

April eighteenth, eighteen hundred and fifty-nine, report the same back, and recommend its passage.

SMITH, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 9 ;

Also, Senate concurrent resolution No. 11, and report the same as having been delivered to the Secretary of State.

MOYLE, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, passed April twentieth, eighteen hundred and sixty-three, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended ;

Also, Senate bill No. 73, an Act to provide for the election of a Sheriff in Mendocino County, and report the same back, recommending its passage.

HARTSON, Chairman.

Mr. Hall made the following report :

MR. PRESIDENT :—Your committee, consisting of the Yolo delegation, to whom was referred Assembly bill No. 48, an Act fixing the salary of the District Attorney of the County of Yolo, having had the same under consideration, report the same back, without amendment, and recommend its passage.

HALL, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haswell, for an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Shafter, for an Act to amend an Act to fund the debt of the County of San Diego and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five.

Read first and second times, and referred to the San Diego delegation.

By Mr. Meyers, for an Act to amend an Act entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times.

On the motion to suspend the rules and consider the bill now, the

ayes and noes were demanded, by Messrs. Burnell, Montgomery, and Meyers, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Foulke, Freeman, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Lovett, McMurtry, Meyers, Montgomery, Porter, Roberts, Shafter, and Smith—21.

NOES—Messrs. Dodge, Evans, Gaskill, Hale, Hamilton, Henry, Kutz, Leonard, Maddox, Moyle, Pierce, Redington, Rush, Shepard, Wright, and Yule—16.

So the motion was lost.

The bill was referred to the Committee on Swamp and Overflowed Lands.

By Mr. Haskin, for an Act concerning notices of assessment and sale of mining stocks.

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Smith, Senate bills Nos. 33 and 82 were recommitted to the Committee on Corporations.

#### RESOLUTIONS.

Mr. Hale offered concurrent resolutions concerning the sale and disposal of the Public Lands within the mineral regions of said State.

On motion of Mr. Jones, nine hundred and sixty copies were ordered printed.

The resolutions were referred to the Committee on Federal Relations.

Mr. Roberts offered a concurrent resolution relative to the appointment of a committee to inquire into the management of the Deaf, Dumb, and Blind Asylum.

Laid on the table until January eighth, eighteen hundred and sixty-four.

#### GENERAL FILE.

Senate bill No. 3, an Act relating to the Judicial Department of the State—indefinitely postponed.

Assembly bill No. 20, an Act authorizing the Controller to draw his warrants on the Treasurer for audited claims upon the Military Fund—substitute adopted, and read first and second times, and placed on file.

Senate bill No. 83, an Act concerning the Calaveras Mining Company—considered in Committee of the Whole, reported back without amendment.

On the motion to order the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Hale, Yule, and Shafter, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Dodge, Evans, Freeman, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Roberts, Rush, Shafter, Shepard, Smith, and Yule—31.

NOES—Messrs. Cunningham, Hamilton, Pierce, Redington, and Wright—5.



So the bill was ordered engrossed and read third time.

On motion of Mr. Hartson, the rules were suspended, and Senate bill No. 73, an Act to provide for the election of a Sheriff in Mendocino County, was taken up, considered as in Committee of the Whole, reported back without amendments, rules suspended, bill considered engrossed, and read the third time.

On its final passage, the ayes and noes were demanded, by Messrs. Pierce, Kutz, and Rush, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Dodge, Evans, Hale, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Wright, and Yule—29.

NOES—Messrs. Hamilton, Pierce, and Rush—3.

So the bill passed, and the Forty-Fifth Rule was suspended, and the bill ordered transmitted to the Assembly immediately.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,  
January 6th, 1864. }

Mr. PRESIDENT:—The Assembly has this day passed Assembly concurrent resolution No. 10, authorizing the State Printer to furnish additional copies of the Annual Report of the Trustees of the Insane Asylum.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 10, above reported, concurred in. At twelve o'clock and fifty minutes p. m., on motion of Mr. Benton, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, January 8th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Hertel.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, the following bills: Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador;

Also, substitute for Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, Sacramento County.

ROBERTS, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 46, an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three.

And said bill was, this the seventh day of January, one thousand eight hundred and sixty-four, at three o'clock and twenty minutes P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways have had under consideration Assembly bill No. 3, an Act to grant to Ruell Stickney the right to construct and maintain a bridge across Big River, and beg leave to report the same back, and recommend its passage.

LEONARD, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report:

MR. PRESIDENT:—The Committee on Public Morals, to whom was re-committed Senate bill No. 43, in relation to marriages, herewith submit an amended bill as a substitute, and recommend its passage.

MADDOX, Chairman.

Mr. Hall made the following report:

MR. PRESIDENT:—The committee to whom was referred Senate bill No. 87, an Act to amend an Act entitled an Act for the reclamation and segregation of Swamp, Overflowed, Salt Marsh, and Tide Lands, donated to the State by Act of Congress, approved April eleventh, eighteen hundred and sixty-two, have had the same under consideration, and report the same back, and recommend its passage without amendment.

HALL, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill No. 6, an Act to amend an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty, having had the

same under consideration, report it back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 5, an Act in amendment of an Act to regulate proceedings in civil cases in the Courts of this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one, having had the same under consideration, report it back, and recommend that it be indefinitely postponed;

Also, Senate Bill No. 11, an Act to repeal portions of an Act entitled an Act to amend an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved April twenty-seventh, A. D. eighteen hundred and sixty-three, having had the same under consideration, report it back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, A. D. eighteen hundred and fifty-one, and Acts amendatory thereof, report the same back amended, and recommend its passage as amended.

HARTSON, Chairman.

Mr. Cunningham, Chairman of the Committee on Finance, made the following report:

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 23, entitled an Act to repeal an Act entitled an Act to provide a special Fund for the construction of the State Capitol building at the City of Sacramento, report the same back, and recommend that it be referred to the Committee on Public Buildings;

Also, Senate bill No. 51, entitled an Act to provide for publishing the laws of the State in the newspapers of the State, without recommendation;

Also, Senate bill No. 84, entitled an Act to appropriate money to pay the claim of F. F. Fargo, and recommend its passage.

CUNNINGHAM, Chairman.

Senate bill No. 23, above reported, was referred to the Committee on Public Buildings.

Mr. Roberts, from the Nevada delegation, made the following report:

Mr. PRESIDENT:—Your committee, consisting of the delegation from Nevada, to whom was referred an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, passed May eighteenth, eighteen hundred and sixty-two, report the same back with amendments, and recommend its passage as amended.

ROBERTS,  
KUTZ.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,  
January 7th, 1864. }

Mr. PRESIDENT:—The Assembly has this day concurred in Senate

concurrent resolution No. 13, relative to printing report of Committee on establishment of State University.

R. H. DALY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haskin, for an Act to define and locate the seat of justice for Mono County.

Read first and second times.

On the motion to consider the bill now, the ayes and noes were demanded, by Messrs. Heacock, Haskin, and Freeman, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, McMurtry, Meyers, Montgomery, Moyle, Roberts, Shafter, Smith, Wright, and Yule—29.

NOES.—Messrs. Dodge, Kutz, Maddox, Pierce, Redington, and Rush—6.

So the motion was carried.

On motion of Mr. Evans, the bill was referred to the Tuolumne and Mono delegation.

By Mr. Dodge, for an Act to amend an Act entitled an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Smith, for an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Cot, for an Act to fix the bonds of the Treasurer of the County of Santa Barbara.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roberts, for an Act to provide for the collection of delinquent taxes in the City of Nevada.

Read first and second times, and referred to the Nevada delegation.

By Committee on Public Morals, for an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-third, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Evans, for an Act to appropriate money to pay the claim of H. B. Chambers.

Read first and second times, and referred to the Committee on Claims.

#### RESOLUTIONS.

Mr. Gaskill offered the following resolution :



*Resolved*, That the Committee on Elections be authorized to send to Los Angeles for P. R. Hunt, and that he be summoned to appear before the Committee on Elections of this Senate, in the City of Sacramento, for the purpose of giving testimony in the contested election case of Ramirez vs. Hamilton.

Laid on the table.

On motion of Mr. Roberts, Senate concurrent resolution No. 14, relative to appointment of Joint Committee to examine Deaf, Dumb, and Blind Asylum, was taken from the table.

Adopted.

#### COMMUNICATION.

The President presented the following communication :

CAMP UNION, }  
January 8th, 1863. }

MY DEAR SIR:—In honor of the day, I propose to have a parade at two o'clock and thirty minutes P. M. It would afford the troops under my command, and myself, much pleasure to have the presence of the members of both bodies of the Legislature.

Very respectfully,

Your obedient servant,

OSCAR M. BROWN,

Colonel First Cavalry California Volunteers.

Honorable T. N. MACHIN,

Lieutenant-Governor, and Speaker of the Senate.

Invitation accepted.

#### GENERAL FILE.

Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in in Senate, and the bill ordered engrossed and read third time.

Mr. Gaskill, by leave, presented a concurrent resolution relative to Controller's warrants.

Adopted, and ordered transmitted to the Assembly immediately.

#### GENERAL FILE RESUMED.

Assembly bill No. 1, an Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine—considered as in Committee of the Whole, reported back without amendments, and read third time, and passed.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Evans, the Senate adjourned, in honor of General Andrew Jackson, the hero of New Orleans.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 9th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Hertel.

Journal of yesterday read and approved.

Mr. Montgomery was granted one day leave of absence.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 57, an Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, having had the same under consideration, report it back, and recommend its indefinite postponement ;

Also, Senate bill No. 58, an Act supplementary to and explanatory of an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, having had the same under consideration, report it back, and recommend its indefinite postponement ;

Also, Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State, report the same back amended, and without recommendation.

HARTSON, Chairman.

Mr. Evans made the following report :

MR. PRESIDENT :—The Tuolumne and Mono delegation, to whom was referred Senate bill No. 90, an Act to define and locate the seat of justice of Mono County, have had the same under consideration, and report the bill back with amendments, and recommend the passage of the bill as amended.

EVANS,  
HASKIN.

Mr. Hawes made the following report :

MR. PRESIDENT :—The committee, consisting of the San Francisco and San Mateo delegations, to whom was referred Senate bill No. 71, an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo, have had the same under consideration, and report the same back with the accompanying amendments, and recommend the passage of the bill as amended.

HAWES, Chairman.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 9th, 1864. }

*To the Senate of the State of California :*

I have the honor to inform your honorable body that I have this day approved Senate bill No. 46, an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three.

FRED'K F. LOW,  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 9th, 1864. }

*To the Senate of the State of California :*

Section two of an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, provides that the sum of one hundred and seven thousand and seventy-nine dollars and eighty-eight cents shall be transferred to the Swamp Land Fund out of the first moneys received into the General Fund on and after the first Monday of January, eighteen hundred and sixty-five.

While I would be opposed to diverting this money from the Swamp Land Fund, were it needed there for its proper and legitimate uses, I see no reason why, since it is so diverted, it should not be made to relieve the much embarrassed General Fund as much and for as long a time as is consistent with the welfare of the Swamp Land interests. It seems to me that if fifty thousand dollars were to be transferred on the first of January, eighteen hundred and sixty-five, and the balance on the first of July, eighteen hundred and sixty-five, it would be likely to meet all the requirements of the Swamp Land Commissioners, and, at the same time, relieve the General Fund from a heavy drain at a time when the receipts into it are likely to be very limited.

If these views meet your approval, I would suggest that a supplemental Act be passed amending section two of the Act referred to in the manner I have indicated.

FRED'K F. LOW,  
 Governor.

Referred to the Finance Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
 January 9th, 1864. }

MR. PRESIDENT :—The Assembly, on the eighth instant, concurred in Senate concurrent resolution No. 16, relative to warrants to be drawn by the Controller of State for per diem of members and attachés of the Legislature;

Also, on same day, passed Assembly concurrent resolution No 11, concerning United States mail route from Atchison, Kansas, to Folsom, California, and ask the concurrence of the Senate in the same.

R. H. DALY,  
 Assistant Clerk.

Assembly concurrent resolution No. 11, above reported, amended and concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crane, for an Act to repeal an Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

By Mr. Jones, for an Act concerning indemnifying bonds.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rush, for an Act supplemental to an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hartson, for an Act to incorporate the California Military Institute.

Read first and second times, and referred to the Committee on Military Affairs.

Also, for an Act authorizing District Attorneys to conclude litigation in certain cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act relating to appeals.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McMurtry, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, the usual number of copies ordered printed, and referred to the Judiciary Committee.

By Mr. Gaskill, for an Act to repeal a certain Act.

Read first and second times, and referred to the Finance Committee.

#### GENERAL FILE.

Assembly bill No. 48, an Act fixing the salary of the District Attorney of the County of Yolo—considered as in Committee of the Whole, reported back without amendments, read third time, and passed.

Senate bill No. 89, an Act to appropriate certain moneys out of the Military Fund—considered as in Committee of the Whole, reported back with amendments, amendment concurred in, ordered engrossed, and read third time.

Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, County of Sacramento—read third time, and passed.

On motion of Mr. Benton, the rules were suspended, and the bill ordered transmitted to the Assembly immediately.

Senate bill No. 36, an Act to extend the time for completing the turn-



pike road leading from Doshe's Store, in Lone Valley, to the Town of Jackson, in the County of Amador.

On motion of Mr. Burnell, the vote by which the bill was ordered engrossed was reconsidered, and the bill was recommitted to the Amador delegation.

Assembly bill No. 3, an Act to grant to Ruell Stickney the right to construct and maintain a bridge across Big River—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill recommitted to the Napa delegation, with special instructions.

Senate bill No. 5, an Act in amendment of an Act to regulate proceedings in civil cases in the Courts of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Hawes, Porter, and Foulke, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Crane, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Heacock, Henry, Jones, Kutz, Leonard, Lovett, Roberts, Rush, and Wright—18.

NOES—Messrs. Benton, Buckley, Cunningham, Hamilton, Haswell, Hawes, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Shafter, and Yule—14.

So the bill was indefinitely postponed.

A motion to adjourn, by Mr. Crane, was lost.

Mr. Roberts, Chairman of the Committee on Engrossment, by leave, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo, approved March sixth, eighteen hundred and sixty-three;

Also, Senate bill No. 83, an Act concerning the Calaveras Mining Company.

ROBERTS, Chairman.

Senate bill No. 71, an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo—was, on motion of Mr. Hawes, taken up, and referred to the Finance Committee.

Mr. Crane moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Crane, Henry, and Benton, and taken, with the following result:

AYES—Messrs. Cot, Crane, Evans, Freeman, Hale, Haswell, Heacock, Henry, Jones, Maddox, Porter, Rush, and Yule—13.

NOES—Messrs. Benton, Buckley, Burnell, Cunningham, Foulke, Gaskill, Hall, Hamilton, Hawes, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Pierce, Roberts, Shafter, and Wright—19.

So the motion was lost.

On motion of Mr. Evans for a call of the Senate, the ayes and noes

were demanded, by Messrs. Heacock, Cot, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Crane, Evans, Heacock, Henry, Leonard, Lovett, Roberts, and Yule—11.

NOES—Messrs. Burnell, Cunningham, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Haswell, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Rush, Shepard, and Wright—20.

So the motion was lost.

#### GENERAL FILE RESUMED.

Senate bill No. 6, an Act to amend an Act concerning conveyances—laid on the table.

Mr. Jones moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Wright, and Shafter, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Freeman, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Rush, and Yule—23.

NOES—Messrs. Foulke, Hamilton, Hartson, Heacock, Kutz, Leonard, Pierce, Roberts, Shafter, and Wright—10.

So at two o'clock and forty-five minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Monday, January 11th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of Saturday last read and approved.

Leave of absence for one day was granted to Messrs. Montgomery, Dodge, Redington, and Haskin.

#### PETITIONS.

Mr. Cot presented the petition of José Arnaldo Carquez for a divorce. Referred to the Judiciary Committee.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty ;

Also, Senate bill No. 68, an Act regulating payments of money into the Treasury of the County of Sierra ;

Also, Senate substitute for Assembly bill No. 20, an Act to appropriate certain moneys out of the Military Fund.

ROBERTS, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, submitted the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 71, entitled an Act to define the compensation of officers, and reduce public expenses and taxation in the County of San Mateo, report the same back, and recommend its passage as amended.

CUNNINGHAM, Chairman.

Mr. Haswell, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—Your Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 16 ;

And this day, January eleventh, at eleven o'clock, delivered the same to the Secretary of State.

HASWELL, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 81, an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, A. D. eighteen hundred and fifty-seven, having had the same under consideration, report the same back with amendments, and recommend its passage as amended ;

Also, Senate bill No. 79, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory and supplementary thereto, have amended the same, and recommend its passage as amended ;

Also, Senate bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County, have amended the same, and recommend its passage as amended ;

Also, Senate bill No. 80, an Act to legalize the records in the offices of the County Recorders of this State, of patents to lands executed and verified by the Government of the United States, and by the Government of the State of California, have considered the same, and recommend its indefinite postponement ;

Also, Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of the State, and Senate bill No. 20, an Act creating a Board of Commissioners to revise and codify the laws of the State; there being a division of the Committee in relation to the two last named bills, (Nos. 18 and 20,) we beg the privilege of reporting them back with a substitute, and recommend the passage of the substitute.

HARTSON, Chairman.

Mr. Smith, from the minority of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The minority of the Judiciary Committee beg leave to dissent from the report of the majority of said committee on Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of this State, in this: That we do not believe that the labor proposed can be properly performed by one; that we do not consider it advisable to give the Supreme Court authority to make the appointment.

The minority of said committee recommend that the Commission consist of three members, and that they be elected in Joint Convention of the Legislature.

SMITH,  
WRIGHT,

Minority Judiciary Committee.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report fifty-two dollars due Senators Benton, Porter, Redington, Cunningham, Jones, and Cot, each, as mileage for travelling to and from San Quentin while in the performance of committee duties. The committee therefore recommend the adoption of the accompanying resolution:

*Resolved*, That fifty-two dollars, payable out of the Contingent Fund of the Senate, be allowed to Senators Benton, Porter, Redington, Cunningham, Jones, and Cot, each, as mileage for travelling to and from San Quentin while in the discharge of committee duties.

KUTZ, Chairman.

Adopted.

Mr. Haswell made the following report:

MR. PRESIDENT:—Your special committee, to whom was referred Senate bill No. 50, an Act to amend an Act entitled an Act concerning estrays in certain counties in this State, passed April twenty-seventh, eighteen hundred and sixty-three, beg leave to report it back, with a substitute, and recommend the passage of the substitute.

HASWELL, for Committee.

The President announced as the Committee on Investigation of Deaf, Dumb, and Blind Asylum, on the part of the Senate, Messrs. Roberts, Dodge, and Heacock.



## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 9th, 1864. }

Mr. PRESIDENT :—The Assembly this day concurred in Senate concurrent resolution No. 14, relative to the appointment of a committee to inquire into the management of the Deaf, Dumb, and Blind Asylum, and Messrs. Buffum, Hubbard, and Dodson were designated by the Speaker as such committee on the part of the Assembly ;

Also, this day, the House passed Assembly bill No. 46, an Act to authorize mining companies to change their places of business ;

Also, this day, passed Assembly bill No. 64, an Act to amend an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three ;

Also, this day, passed Assembly bill No. 65, an Act to authorize the Controller of State to issue a duplicate warrant to Amos Adams.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 11th, 1864. }

Mr. PRESIDENT :—The Assembly, on the ninth instant, passed Senate bill No. 73, an Act to provide for the election of a Sheriff in Mendocino County.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 46, above reported, was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 64, above reported, was read first and second times, and referred to the Shasta and Trinity delegations.

Assembly bill No. 65, above reported, was read first and second times, and referred to the Committee on Claims.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Leonard, for an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road near the Big Meadows in Calaveras County :

Read first and second times, and referred to the Calaveras delegation.

By Mr. Maddox, for an Act concerning elections.

Read first and second times, and referred to the Committee on Elections.

Also, for an Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Roberts, for an Act to revise and amend an Act entitled an

Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Cot, for an Act for the relief of José Arnaldo Marquez.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Moyle, for an Act authorizing the Board of Supervisors of Sierra County to construct a wagon road, and to provide for the payment of the same.

Read first and second times, and referred to the Committee on Roads and Highways.

#### RESOLUTIONS.

Mr. Yule offered a concurrent resolution relative to printing additional copies of the Controller's report.

Amended and adopted.

Mr. Evans offered a concurrent resolution relative to balance of ordinance stores promised by the Secretary of War.

Adopted.

#### GENERAL FILE.

Senate bill No. 11, an Act to repeal portions of an Act entitled an Act to amend an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved April twenty-seventh, eighteen hundred and sixty-three—indefinitely postponed.

Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—recommitted to the Judiciary Committee.

Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Senate bill No. 43, an Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—ordered to top of file for Tuesday, January nineteenth.

Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, eighteen hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act—ordered to top of file for Tuesday, January twelfth.

Senate bill No. 51, an Act to provide for publishing the laws of the State in the newspapers of the State—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

Mr. Gaskill moved to further amend by striking out, in section two, line six, the word "fifty," and inserting in place thereof the words "one hundred."

Lost.

Mr. Foulke moved to amend as follows :

"SEC. 4. And the Secretary of State is hereby directed to have the laws published in Union papers only."

Mr. Pierce moved to amend the amendment by adding the words "having the least circulation in the county."

Lost.

Mr. Pierce moved to amend the amendment by striking out the word "Union," and inserting the word "Abolitionist."

Lost.

The question being upon the adoption of the amendment of Mr. Foulke, the ayes and noes were demanded, by Messrs. Crane, Maddox, and Leonard, and taken, with the following result:

AYES—Messrs. Buckley, Crane, Cunningham, Foulke, Hartson, Haswell, and Smith—7.

NOES—Messrs. Benton, Cot, Evans, Freeman, Gaskill, Hale, Hall, Hamilton, Hawes, Heacock, Henry, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Roberts, Rush, Shafter, Shepard, Tuttle, Wright, and Yule—28.

So the amendment was lost, and the bill indefinitely postponed.

Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, approved April eleventh, eighteen hundred and sixty-two—recommitted to the Committee on Swamp and Overflowed Lands.

Senate bill No. 84, an Act to appropriate money to pay the claim of F. F. Fargo—considered as in Committee of the Whole, reported back without amendment, and ordered engrossed, and read the third time.

Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 57, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three—referred to the Committee on Mines and Mining Interests.

Mr. Hartson, by leave, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 3, with special instructions, report that the same has been complied with, by adding to the last line of section ninth, after the word "year;" "*provided*, said license shall not exceed fifty dollars in any one year."

HARTSON, for Delegation.

Adopted.

Assembly bill No. 3, an Act to grant to Ruell Stickney the right to construct a bridge over Big River, above reported, was amended, read third time, and passed.

#### GENERAL FILE RESUMED.

Senate bill No. 58, an Act supplementary to and explanatory of an Act

entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three—indeinitely postponed.

Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in in Senate.

Mr. Gaskill moved to further amend by striking out section one, and inserting as follows :

“Section 1. Nothing contained in the Act entitled an Act concerning officers, passed April twenty-second, eighteen hundred and sixty-three, shall be deemed to repeal the provisions of law in force at the date of said Act providing for the election of County Supervisors in any of the counties of this State; but the election of Supervisors held in pursuance of the general or special laws then in force is hereby ratified and confirmed, and the Supervisors so elected shall hold their offices respectively for the terms prescribed in such laws, and all official acts performed by the Boards of Supervisors elected, which Boards of Supervisors of the respective counties may lawfully do, are hereby certified and confirmed.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Gaskill, Hawes, and Wright, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Jones, Leonard, Lovett, Maddox, Meyers, Moyle, Pierce, Porter, Rush, Shafter, Shepard, and Yule—27.

NOES—Messrs. Hamilton, Kutz, Roberts, Smith, and Wright—5.

So the amendment was adopted, the bill ordered engrossed, and read third time.

Senate bill No. 83, an Act concerning the Calaveras Mining Company—read third time, and passed.

Senate bill No. 90, an Act to define and locate the seat of justice of the County of Mono—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice in this State, passed April twentieth, eighteen hundred and sixty-three.

ROBERTS, Chairman.

On motion of Mr. Kutz, at three o'clock and ten minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 12th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read, corrected, and approved.

Indefinite leave of absence was granted to Mr. Montgomery.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations, to whom was referred Senate bill No. 88, an Act concerning the notice of assessment and sale of mining claims, report the same back, and recommend its passage ;

Also, Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, report the same back, with the recommendation that it pass ;

Also, Assembly bill No. 46, an Act to authorize mining companies to change their place of business, report the bill back, and recommend its passage.

SMITH, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 84, an Act to appropriate money to pay the claim of F. F. Fargo ;

Also, Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State.

ROBERTS, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 14, and have delivered the same to the Secretary of State.

MOYLE, Chairman.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report :

MR. PRESIDENT :—The Committee on Military Affairs, to whom was referred Senate bill No. 99, an Act to incorporate the California Military

Institute, have had the bill under consideration, and believing that it is in direct conflict with section thirty-one, Article Four, of the Constitution of California, respectfully report the same back without recommendation, and ask that it be referred to the Judiciary Committee.

EVANS, Chairman.

Senate bill No. 99, above reported, was, on motion of Mr. Evans, referred to the Judiciary Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, relating to the financial condition of the State.

[For message see Appendix.]

Referred to the Finance Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 11th, 1864. }

Mr. PRESIDENT :—The Assembly has this day passed Assembly bill No. 15, an Act relating to the legal settlement of paupers ;

Also, passed Assembly bill No. 98, an Act to re-district the County of Santa Clara, and to provide for the election of Supervisors ;

Also, concurred in Senate amendment to Assembly concurrent resolution No. 11, concerning United States Mail Route from Atchison, Kansas, to Folsom, California.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 12th, 1864. }

Mr. PRESIDENT :—The Assembly, on the eleventh instant, passed Senate bill No. 8, an Act to regulate the recording of stamped instruments in writing ;

Also, same day, passed Senate Bill No. 22, an Act to provide for the allotment of Senators, pursuant to section six, Article Four, of the Constitution ;

Also, same day, passed Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road from Napa Valley to Lake County ;

Also, same day, passed Assembly bill No. 71, an Act to provide for the collection of delinquent taxes in the County of Sierra ;

Also, same day, passed Assembly bill No. 74, an Act supplemental to and amendatory of an Act entitled an Act providing for the confinement of prisoners of the United States, approved February fourth, eighteen hundred and fifty-six ;

Also, same day, passed Assembly bill No. 84, an Act to prevent the trespassing of animals upon private property in the County of Santa Barbara.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 98, above reported, was read first and second times, and placed on file.

Assembly bill No. 15, above reported, was read first and second times, and, on motion of Mr. Hawes, was referred to a select committee of five, to be appointed by the President.

Assembly bill No. 74, above reported, was read first and second times, and, on motion of Mr. Smith, the rules were suspended, the bill read the third time, and passed.

Assembly bill No. 84, above reported, was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 71, above reported, was read first and second times, and referred to the Sierra delegation.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 95, an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, A. D. eighteen hundred and fifty, approved April ninth, A. D. eighteen hundred and sixty-three, report the same back, without recommendation;

Also, Senate bill No. 69, an Act in relation to county seats, and report the same back, without recommendation.

HARTSON, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee have had under consideration Senate bill No. 48, an Act concerning offices. There being a disagreement in the committee, we, the undersigned, report the same back, and recommend the passage of the bill.

HARTSON,  
HEACOCK,  
WRIGHT,  
CRANE,  
SMITH.

Senate bill No. 48, above reported, was laid on the table to enable the minority of said committee to submit a minority report.

Senate bill No. 69, an Act in relation to county seats, was taken up and referred to the Committee on Counties and County Boundaries.

Senate bill No. 95, an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three, was taken up and ordered to top of file for Tuesday, January nineteenth.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Buckley, for an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight, approved March eighth, eighteen hundred and sixty.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Henry, for an Act to authorize the Board of Supervisors of El Dorado County to sell certain property.

Read first and second times, and placed on file.

#### GENERAL FILE.

Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, eighteen hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

On motion of Mr. Kutz, the rules were suspended, the bill considered engrossed, read third time, passed, and title amended.

Senate bill No. 71, an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

Pending the consideration, Mr. Kutz, by leave, moved to place Senate bill No. 47, (the special order,) an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three, at top of file for Wednesday, January thirteenth.

Motion lost.

On motion of Mr. Cunningham, the bill was ordered to top of file for Tuesday, January twenty-sixth, eighteen hundred and sixty-four.

The consideration of Senate bill No. 71 was resumed, considered in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill ordered engrossed, and read a third time.

Senate bill No. 26, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Benton, Pierce, and Haswell, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Freeman, Hamilton, Jones, Kutz, Leonard, Lovett, Maddox, Pierce, Porter, Roberts, Rush, and Tuttle—14.

NOES—Messrs. Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hall, Hartson, Heacock, Henry, Haskin, McMurtry, Moyle, Redington, Shafter, Shepard, Smith, and Wright—20.

So the motion was lost.

Bill read third time, and passed.



Mr. Redington gave notice that he would, on to-morrow, move the reconsideration of the vote by which the Senate ordered to top of file for Tuesday, January twenty-sixth, Senate bill No. 47.

Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, passed April twentieth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty—read third time, and passed.

On the motion of Mr. Smith, that the Senate do now adjourn, the ayes and noes were demanded, by Messrs. Foulke, Jones, and Haswell, and taken, with the following result:

AYES—Messrs. Benton, Cot, Evans, Freeman, Gaskill, Heacock, Leonard, Pierce, Rush, and Smith—10.

NOES—Messrs. Crane, Cunningham, Dodge, Foulke, Hale, Hall, Ham-  
ilton, Hartson, Haswell, Hawes, Haskin, Jones, Kutz, Maddox, McMur-  
try, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tut-  
tle, Wright, and Yule—25.

So the motion was lost.

Senate bill No. 68, an Act regulating payments of money into the Treasury of the County of Sierra—read third time, and passed.

Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of the State; also, Senate bill No. 20, an Act cre-  
ating a Board of Commissioners to revise and codify the laws of the  
State; also, substitute for Senate bills Nos. 18 and 20—ordered to top  
of file for Friday, January fifteenth.

Senate bill No. 50, an Act to amend an Act entitled an Act concerning  
estrays in certain counties in this State, passed April twenty-seventh,  
eighteen hundred and sixty-three—substitute adopted, considered in  
Committee of the Whole, reported back without amendment, ordered  
engrossed, and read third time.

Senate substitute for Assembly bill No. 20, an Act to appropriate cer-  
tain moneys out of the Military Fund—read third time, and passed.

Senate bill No. 78, an Act to legalize certain records in the office of  
the Recorder of Placer County—considered as in Committee of the  
Whole, reported back with amendments, amendments concurred in, or-  
dered engrossed, and read third time.

Mr. Gaskill moved to adjourn.

Lost.

Senate bill No. 79, an Act to amend an Act entitled an Act concerning  
conveyances, passed April sixteenth, eighteen hundred and fifty, and  
Acts amendatory and supplementary thereto—considered as in Commit-  
tee of the Whole, reported back with amendments, amendments concur-  
red in, ordered engrossed, and read third time.

Senate bill No. 80, an Act to legalize the records in the offices of the  
County Recorders of this State, of patents to lands executed and veri-  
fied by the Government of the United States, and by the Government  
of the State of California—indefinitely postponed.

Senate bill No. 81, an Act to amend an Act entitled an Act concerning  
certified copies of certain instruments in writing, passed April twenty-  
ninth, eighteen hundred and fifty-seven—considered as in Committee of

the Whole, reported back with amendments, amendments concurred in, and the bill ordered engrossed, and read third time.

Senate bill No. 107, an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill ordered engrossed and read third time.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
January 12th, 1864. }

Mr. PRESIDENT:—The Assembly has this day passed the substitute for Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, Sacramento County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 12th, 1864. }

Mr. PRESIDENT:—The Assembly this day passed Assembly concurrent resolutions No. 13, indorsing all the measures of the National Administration to suppress the rebellion, returning thanks to the army and navy, and reaffirming the unswerving loyalty of the State of California, in which resolution the House asks the concurrence of the Senate.

O. C. WHEELER,  
Chief Clerk.

Assembly concurrent resolutions No. 13, above reported, were referred to the Committee on Federal Relations, and the usual number of copies ordered printed.

At three o'clock and fifty minutes p. m., on motion of Mr. Heacock the Senate adjourned.

R. BURNELL,  
President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER, }  
Wednesday, January 13th, 1863. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 39, an Act entitled an Act to amend an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof;

Also, Senate bill No. 90, an Act entitled an Act to define and locate the seat of justice of Mono County.

ROBERTS, Chairman.

Mr. Hawes, from the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for the purchase of a lot and building adjoining the City Hall in said city and county, and for alteration and repairs thereof, have had the same under consideration, and beg leave to report the same back to the Senate with certain amendments, and recommend the passage of the bill as amended.

HAWES, for Delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Porter, for an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.

Read first and second times, referred to the Committee on Commerce and Navigation, and the usual number of copies ordered printed.

By Mr. Evans, for an Act amendatory of an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty.

Read first and second times, referred to the Committee on Elections, and the usual number of copies ordered printed.

By Mr. Cot, for an Act to incorporate the town of Santa Barbara.

Read first and second times, and referred to the Committee on Corporations.

## GENERAL FILE.

Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State—read third time, and passed, and the title amended.

Senate bill No. 84, an Act to appropriate money to pay the claim of F. F. Fargo—read third time, and passed.

Senate bill No. 88, an Act concerning the notices of assessment and sale of mining stocks—considered as in Committee of the Whole, reported back without amendment, and the bill ordered engrossed and read third time.

Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—ordered printed, and referred to the Committee on Mines and Mining Interests.

#### REPORT.

Mr. Freeman, from the Committee on Engrossment, by leave, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and find correctly engrossed, Senate bill No. 45, entitled an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, one thousand eight hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act in the County of Nevada.

FREEMAN, for Committee.

#### GENERAL FILE RESUMED.

Assembly bill No. 46, an Act to authorize mining companies to change their place of business—referred to the Committee on Mines and Mining Interests.

Assembly bill No. 98, an Act to re-district the County of Santa Clara, and to provide for the election of Supervisors—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property—considered as in Committee of the Whole, reported back without amendment, and ordered engrossed, and read third time.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 13th, 1864. }

MR. PRESIDENT :—The Assembly, on the twelfth instant, passed Assembly bill No. 32, an Act to provide for the support of paupers ;

Also, same day, passed Assembly bill No. 33, an Act concerning work-houses for the several counties in the State of California ;

Also, same day, passed Assembly bill No. 88, an Act to fix the amount of the official bond of the Public Administrator of the County of El Dorado ;

Also, same day, passed Assembly bill No. 89, an Act in relation to the office of Assessor of the City and County of San Francisco ;



Also, same day, passed Assembly bill No. 95, an Act to amend an Act entitled an Act concerning certain salaries in the County of Santa Barbara, approved March sixteenth, eighteen hundred and sixty-three ;

Also, same day, passed Assembly bill No. 97, an Act to repeal an Act regulating fees of office of Justices of the Peace and Constables in the County of San Joaquin ;

Also, same day, passed Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo, approved March sixth, eighteen hundred and sixty-three ;

Also, same day, concurred in Senate concurrent resolution No. 17, relative to printing additional copies of the Controller's report.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER. }  
January 13th, 1864. }

Mr. PRESIDENT :—The Assembly, on the twelfth instant, passed Assembly bill No. 40, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty ;

Also, same day, passed Assembly bill No. 49, an Act amendatory of an Act defining the legal distances from each county seat to the Capital, Lunatic Asylum, and State Prison, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, this day, passed Assembly concurrent resolution No. 16, relative to printing nine hundred and sixty copies of Governor Low's message of January eleventh, eighteen hundred and sixty-four.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 88, above reported, read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 89, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 95, above reported, read first and second times, and placed on file.

Assembly bill No. 33, above reported, read first and second times, and referred to select committee of five to whom was referred, on yesterday, Assembly bill No 15.

Assembly bill No. 32, above reported, read first and second times, and referred to select committee of five to whom was referred, on yesterday, Assembly bill No. 15.

Assembly bill No. 49, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 40, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly concurrent resolution No. 16, above reported, was concurred in.

Assembly bill No. 97, above reported, read first and second times, and referred to the San Joaquin delegation.

A message was received from the Governor, which, with accompanying documents, was laid on the table.

[For message, see Appendix.]

## REPORTS.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report :

Mr. PRESIDENT :—The Committee on Mileage report forty-six dollars and eighty cents (\$46 80) due Senators Yule and Freeman, each, as mileage for travelling to and from San Francisco, as a sub-committee appointed under a resolution of the Senate to visit the office of the State Geologist.

The Committee recommend the adoption of the accompanying resolution :

*Resolved*, That forty-six dollars and eighty cents, (\$46 80,) payable out of the Contingent Fund of the Senate, be allowed to Senators Yule and Freeman, each, as mileage for travelling to and from San Francisco, while in discharge of committee duties.

KUTZ,  
LEONARD,  
MOYLE.

Resolution adopted.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report :

Mr. PRESIDENT :—The Committee on Elections have had under consideration Senate bill No. 106, an Act concerning elections, and report the same back, with a recommendation that it be indefinitely postponed.

GASKILL, Chairman.

Mr. Cunningham, of the delegation from the Tenth Judicial District, made the following report :

Mr. PRESIDENT :—The delegation from the Tenth Judicial District, to whom was referred Senate bill No. 76, entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, report the same back, and recommend its passage.

CUNNINGHAM,  
HASWELL,  
RUSH,  
MOYLE,

Mr. Redington, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday ordered to top of file for Tuesday, January twenty-sixth, Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State; passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

On which motion, the ayes and noes were demanded, by Messrs. Dodge, Yule, and Hale, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Cunningham, Dodge, Gaskill, Hale, Hawes, Henry, Lovett, McMurtry, Pierce, Porter, Redington, Rush, Shafter, Smith, Tuttle, Wright, and Yule—19.

NOES—Messrs. Benton, Evans, Foulke, Freeman, Hall, Hartson, Heacock, Haskin, Kutz, Leonard, Maddox, Meyers, Moyle, Roberts, and Shepard—15.

So the vote was reconsidered, and, on motion of Mr. Hale, the bill was ordered to top of file for January fourteenth.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 73, an Act to provide for the election of a Sheriff in Mendocino County;

Also, Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road from Napa Valley to Lake County;

Also, Senate bill No. 8, an Act to regulate the recording of stamped instruments in writing;

Also, Senate bill No. 22, an Act to provide for the allotment of Senators, pursuant to section six, Article Fourth, of the Constitution;

And said bills were, this the thirteenth day of January, A. D. eighteen hundred and sixty-four, at twelve o'clock, M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Burnell made a verbal report, recommending the passage of Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador.

Senate bill No. 36, above reported, was taken up under a suspension of the rules, read third time, and passed.

At one o'clock P. M., on motion of Mr. Smith, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 14th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

A communication was presented by the President from the San Francisco Protestant Orphan Asylum, asking for an appropriation for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five.

Referred to the Committee on State Hospitals.

The President announced as the select committee to whom was referred Assembly bills Nos. 15, 32, and 33, Messrs. Hawes, Foulke, Henry, Meyers, and Hamilton.

#### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 96, to appropriate money to pay the claim of H. B. Chambers, amounting to three hundred and sixty-six dollars and sixty-six cents, and report the same back, and recommend its passage;

Also, have had under consideration the claim of George W. Gordon, for collating certain laws, pursuant to a concurrent resolution of the Legislature, passed May seventeenth, eighteen hundred and sixty-one, and report the same back, with the accompanying bill, and recommend the passage of the bill.

JONES, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands have had under consideration Senate bill No. 67, an Act in reference to School Lands, and respectfully report the same back, with the recommendation that it pass.

WRIGHT, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 103, an Act relative to appeals, having had the same under consideration, report the same back, amended, and recommend its passage as amended.

HARTSON, Chairman.

Mr. McMurtry, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 107, an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one.

McMURTRY, for Committee.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 71, an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

ROBERTS, Chairman.



Mr. Shafter presented a minority report from the Judiciary Committee on Senate bill No. 48, an Act concerning offices.

Ordered printed.

[For report, see Appendix.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Wright, for an Act to amend an Act in relation to personal mortgages, approved April eighteenth, eighteen hundred and sixty-three, and all other Acts to which said Act is amendatory.

Read first and second times, and referred to the Judiciary Committee, and the usual number of copies ordered printed.

By Mr. Henry, for an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Claims.

By Mr. Haswell, for an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, referred to the Committee on Public Morals, and the usual number of copies ordered printed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Evans moved that Senate bill No. 48, an Act concerning offices, be taken from the table.

Carried.

Senate bill No. 48, above referred to, was, on motion of Mr. Evans, recommitted to the Judiciary Committee.

Mr. Crane offered the following resolution :

*Resolved*, That the Committee on Enrolment be empowered to examine the journals of the Senate, and report a resolution authorizing the Journal Clerk to appoint an Assistant when, in their judgment, said Clerk requires one.

Adopted.

Mr. Smith offered the following resolution :

*Resolved*, That the committee to whom Assembly concurrent resolutions No. 13 were referred, be and they are hereby requested to report thereon to-morrow, January fifteenth.

On the adoption of which, the ayes and noes were demanded, by Messrs. Yule, Haskin, and Haswell, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Dodge, Evans, Foulke, Hartson, Haswell, Haskin, Kutz, McMurtry, Pierce, Redington, Rush, Smith, Tuttle, and Wright—17.

NOES—Messrs. Burnell, Crane, Freeman, Gaskill, Hall, Hamilton, Hawes, Heacock, Henry, Maddox, Meyers, Shafter, Shepard, and Yule—14.

So the resolution was adopted.

Mr. Evans moved to reconsider the vote by which the Senate adopted the above resolution.

Motion carried.

The question recurring on the adoption of the resolution, the question was put, and the resolution rejected.

#### GENERAL FILE.

Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Pending the consideration of the bill, the hour arrived for the special order, "resolutions relative to drawing for Senatorial terms."

On motion of Mr. Yule, the special order was postponed until the bill under consideration shall have been disposed of.

The bill was considered in Committee of the Whole, and reported without amendment.

On motion of Mr. Burnell, the bill was ordered to top of file for Friday, January fifteenth.

At three o'clock P. M., on motion of Mr. Hartson, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, January 15th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Cunningham presented a petition from the California College. Referred to the Special Committee on Agricultural College.

#### REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 70, an Act to authorize the removal of the office

and principal place of business of mining corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, report the same back, with a substitute, and recommend that the substitute do pass.

SMITH, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough, have had the same under consideration, report it back with amendments, and recommend its passage as amended.

LEONARD, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, substitute for Senate bill No. 50, an Act to exempt the County of Sutter from the law concerning estrays in certain counties of this State.

ROBERTS, Chairman.

Mr. Roberts made the following report :

MR. PRESIDENT :—Your select committee, consisting of the delegation from Nevada, to whom was referred Senate bill No. 93, entitled an Act to provide for the collection of delinquent taxes in the City of Nevada, respectfully report the same back with amendments, and recommend the passage of the bill as amended.

ROBERTS,  
KUTZ.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 14th, 1864. }

MR. PRESIDENT :—The Assembly, on the thirteenth instant, passed Assembly bill No. 35, an Act to exempt the property of the San Francisco Ladies' Protection and Relief Society from taxation ;

Also, same day, passed Assembly bill No. 47, an Act to amend section one of an Act entitled an Act to authorize the Treasurer of Alameda County to collect the taxes of said county, approved April twentieth, eighteen hundred and sixty-three ;

Also, same day, passed Assembly bill No. 72, an Act to amend an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, same day, passed Assembly bill No. 125, an Act extending the time for assessing real and personal property in the County of El Dorado for the fiscal year ending March first, eighteen hundred and sixty-four ;

Also, same day, passed Assembly bill No. 126, an Act to amend an Act

entitled an Act to extend the term of office, define the duties and powers in certain cases, and establish the salaries of the Board of Supervisors of San Bernardino County, approved April fifteenth, eighteen hundred and sixty-one.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
January 14th, 1864. }

MR. PRESIDENT:—The Assembly this day passed Assembly bill No. 7, an Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco;

Also, Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, passed May eighteenth, eighteen hundred and sixty-two.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 7, above reported, read first and second times, and placed on file.

Assembly bill No. 35, above reported, read first and second times, and placed on file.

Assembly bill No. 126, above reported, read first and second times, and placed on file.

Assembly bill No. 47, above reported, read first and second times, and referred to the Alameda delegation.

Assembly bill No. 72, above reported, read first and second times, and referred to the Committee on Hospitals.

Assembly bill No. 125, above reported, read first and second times, rules suspended, bill considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### REPORTS.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly concurrent resolutions No. 13, having had the same under consideration, report the same back with amendments, and recommend their adoption as amended;

Your committee have likewise had under consideration Senate resolution No. —, (introduced December fifteenth, eighteen hundred and sixty-three,) and beg leave to say that, in their judgment, the subject matter thereof is fully embraced in Assembly concurrent resolutions No. 13, herewith reported, wherefore the same is reported back without recommendation.

HALE, Chairman.

Mr. Yule moved to suspend the rules and consider the resolutions now.



On which, the ayes and noes were demanded, by Messrs. Dodge, Redington, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Dodge, Evans, Foulke, Freeman, Hamilton, Hartson, Haswell, Henry, Haskin, Lovett, McMurtry, Pierce, Porter, Redington, Rush, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—24.

NOES—Messrs. Burnell, Crane, Cunningham, Gaskill, Hall, Hawes, Heacock, Jones, Kutz, Leonard, Maddox, Meyers, Moyle, and Roberts—14.

So the motion was lost.

Resolutions placed on file.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 102, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, having had the same under consideration, report the same back, without recommendation ;

Also, Assembly bill No. 40, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, report the same back, and recommend its passage ;

Also, Senate bill No. 15, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty, and other Acts amendatory thereof, report the same back, amended, and recommend its passage as amended.

HARTSON, Chairman.

Senate bill No. 102, above reported, was referred to the Committee on Finance.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Shafter, for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Committee on Claims, for an Act to appropriate money to pay the claim of George W. Gordon.

Read first and second times, and placed on file.

By Mr. Evans, for an Act for the relief of the line officers of the California Volunteers in the service of the United States.

Read first and second times, and referred to the Committee on Finance.

By Mr. Hall, for an Act authorizing the establishment and maintenance of a ferry between Vallejo and Mare Island.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Smith, Senate bill No. 47, an Act to amend an Act entitled an Act regulating proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and

fifty-one, and Acts amendatory, approved April twenty-seventh, eighteen hundred and sixty-three, was taken from the file.

On the motion to place it at top of the file for Thursday, January twenty-first, the words "Thursday, January twenty-first," were stricken out, and the words "Tuesday, January twenty-sixth, inserted."

#### RESOLUTIONS.

Mr. Dodge offered a concurrent resolution relative to Joint Convention this day for the election of Harbor Commissioner.

Adopted.

Mr. Heacock offered the following resolution:

*Resolved*, That the resolutions reported to-day from the Committee on Federal Relations, be placed at top of file for Wednesday, January twenty-seventh, for consideration.

Mr. Pierce moved to amend by striking out the words "Wednesday, January twenty-seventh," and insert the words "to-day."

Amendment adopted.

Pending the consideration of the resolutions, the hour arrived for the consideration of the General File.

Mr. Roberts moved to postpone the consideration of the General File, to allow him to offer a resolution.

Motion lost.

#### GENERAL FILE.

Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of the State.

On motion of Mr. Smith, the substitute for Senate bills Nos. 18 and 20 was ordered printed, and ordered to top of file, with Senate bills Nos. 18 and 20, for Tuesday, January nineteenth.

Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.

Pending the consideration of the above, the hour arrived to meet the Assembly in Joint Convention for the purpose of electing a State Harbor Commissioner.

Pursuant to Senate concurrent resolution No. 19, the Senate proceeded to the Assembly Chamber.

#### IN JOINT CONVENTION.

Senator Burnell, President pro tem of the Senate, and Honorable W. H. Sears, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Hawes, Heacock, Montgomery, and Tuttle.

House roll called.

Absent—Messrs. Brown of Tulare, Castro, Devoe, Dickinson, Johnson, Kendrick, Kewen, Lynch, Mitchell, Pratt, Rule, Sepulveda, Tukey, Wiley, and Whallon.

The joint resolution under which the Convention was called was read by the Secretary.

On motion of Senator Hartson, the Secretary of the Senate and the Clerk of the House were appointed Tellers.

FOR STATE HARBOR COMMISSIONER.

Nominations for State Harbor Commissioner being in order, Mr. Shafter placed in nomination Stephen S. Tilton, of San Francisco.

There being no further nominations, the roll was called, with the following result:

Names.	Tilton.
Benton .....	1
Buckley .....	1
Burnell .....	1
Cot.....	1
Crane.....	1
Cunningham .....	1
Dodge.....	1
Evans .....	1
Foulke .....	1
Freeman .....	1
Gaskill.....	1
Hale.....	1
Hall.....	1
Hamilton.....	1
Hartson .....	1
Haswell.....	1
Haskin .....	1
Jones.....	1
Kutz .....	1
Leonard.....	1
Lovett .....	1
Maddox.....	1
McMurtry .....	1
Meyers .....	1
Moyle .....	1
Pierce .....	1
Porter .....	1
Redington .....	1
Roberts.....	1
Rush.....	1
Shafter .....	1
Shepard .....	1
Smith.....	1
Wright.....	1
Yule.....	1
Allen .....	1
Alley.....	1
Badlam .....	1
Beaman.....	1
Bowman .....	1
Boulware.....	1

Names.	Tilton.
Brooks .....	1
Brown of Amador .....	1
Buffum .....	1
Campbell of El Dorado .....	1
Campbell of San Francisco.....	1
Chappell.....	1
Cherry .....	1
Clayton.....	1
Dodson .....	1
Dow.....	1
Dutton .....	1
Dyer .....	1
Fraser .....	1
Gray .....	1
Green .....	1
Hill .....	1
Hittell .....	1
Hubbard.....	1
Hunt .....	1
Hirst .....	1
Jenison .....	1
Langdon.....	1
Littlefield.....	1
Ludlow .....	1
Lux.....	1
Martin.....	1
McColliam.....	1
Mebius .....	1
Owen.....	1
Parker .....	1
Perley .....	1
Perrin .....	1
Personette.....	1
Redfield .....	1
Rhoads.....	1
Scott of Alameda.....	1
Scott of Siskiyou.....	1
Smith of Nevada.....	1
Smith of Sonoma.....	1
Snyder .....	1
Sumner.....	1
Teare.....	1
Van Leuven.....	1
Van Schaick .....	1
Walker of Alameda .....	1
Walker of Fresno.....	1
Wason.....	1
Watson .....	1
Wilcox.....	1
Wilsey.....	1
Winchester .....	1



Names.	Tilton.
Wood .....	1
Wright .....	1
Mr. Speaker.....	1
Total.....	99

Total number of votes cast..... 99  
Necessary to a choice..... 50

Mr. Tilton, having received the entire number cast, was declared duly elected State Harbor Commissioner.

The object of the Convention being accomplished, the President declared it adjourned *sine die*.

#### IN SENATE.

Roll called.

Quorum present.

Leave of absence was granted to Messrs. Shafter, Hartson, Haskin, McMurtry, Gaskill, Evans, Pierce, Freeman, Redington, Meyers, Leonard, and Cot, until Tuesday, January nineteenth; to Mr. Smith, until Wednesday, January twentieth; and to the Special Committee on Deaf, Dumb, and Blind Asylum, indefinitely.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 17, and delivered the same to the Secretary of State;

Also, Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo, approved March sixth, eighteen hundred and sixty-three;

Also, substitute for Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, Sacramento County;

And on this, the fifteenth day of January, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered the same to the Governor, for his approval.

MOYLE, Chairman.

Mr. Evans moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Lovett, Haskin, and Moyle, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Dodge, Evans, Freeman, Hale, Henry, Haskin, Maddox, McMurtry, Meyers, Pierce, Redington, Roberts, Shafter, Shepard, and Smith—19.

NOES—Messrs. Benton, Cunningham, Foulke, Hall, Hamilton, Haswell, Jones, Kutz, Leonard, Lovett, Moyle, Rush, Wright, and Yule—14.

Accordingly, at one o'clock and ten minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, January 16th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Absent without leave—Messrs. Buckley, Crane, Hawes, and Shepard.

There being no quorum present, by request, prayer was offered by Reverend Mr. Hill.

On motion of Mr. Benton, a call of the Senate was ordered.

Under the call, the Sergeant-at-Arms appeared at the bar of the Senate, with Mr. Haswell, who was admitted and excused.

Mr. Shepard appeared at the bar, was admitted, and excused.

On motion of Mr. Wright, further proceedings under the call were dispensed with.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Yule, Chairman of the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 57, an Act supplemental to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, have had the same under consideration, and report the same back, a majority of the committee recommending its passage.

YULE, Chairman.

Mr. Maddox made the following report:

MR. PRESIDENT:—The committee consisting of the El Dorado delegation, to whom was referred Assembly bill No. 88, an Act to fix the amount of the official bond of the Public Administrator of El Dorado County, report the same back to the Senate, and recommend its passage.

MADDOX, for Delegation.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 15th, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 32, an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public road leading from Napa Valley to Lake County ;

Also, Senate bill No. 22, an Act to provide for the allotment of Senators, pursuant to section sixth, Article Fourth, of the Constitution ;

Also, Senate bill No. 8, an Act to regulate the recording of stamped instruments of writing ;

Also, Senate bill No. 73, an Act to provide for the election of a Sheriff in Mendocino County.

FRED'K F. LOW,  
Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 15th, 1864. }

Mr. PRESIDENT :—The Assembly this day concurred in Senate concurrent resolution No. 19, relative to Joint Convention of the two Houses for the purpose of electing a State Harbor Commissioner ;

I am also directed by the Assembly to inform the Senate that the Assembly is now ready to hold the Joint Convention, as provided by Senate concurrent resolution No. 19, passed this day.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
January 15th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fourteenth instant, passed Assembly bill No. 91, an Act to change the name of James Fitzpatrick ;

Also, same day, passed Assembly bill No. 122, an Act to authorize the City of San José to loan its credit for School purposes, and to provide for the redemption of the same.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 16th, 1864. }

Mr. PRESIDENT: The Assembly, on the fourteenth instant, passed Assembly bill No. 69, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on the fifteenth instant, passed Assembly bill No. 60, an Act to amend an Act entitled an Act to amend an Act to regulate elections, approved April twenty-seventh, eighteen hundred and fifty-five.

Also, same day, passed Assembly bill No. 110, an Act to amend section two of an Act entitled an Act to regulate proceedings in civil cases in

the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed April fourteenth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 110, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 91, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 122, above reported, read first and second times, and referred to the Committee on Education.

Assembly bill No. 69, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wright, for an Act taxing alien Chinese for the purpose of sustaining police regulations in the several counties of this State.

Read first and second times, referred to the Judiciary Committee, and usual number of copies ordered printed.

By Mr. Benton, for an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Corporations.

#### GENERAL FILE.

Senate bill No. 39—returned to file.

Senate bill No. 65—returned to file.

Assembly bill No. 95—returned to file.

Senate bill No. 90, an Act to define and locate the seat of justice for Mono County—read third time, and passed.

Mr. Cunningham moved to take up Senate bill No. 76, an Act providing for the time of holding the several Courts of record in the Tenth Judicial District.

Carried.

The bill was taken up, considered in Committee of the Whole, rules suspended, read third time, and passed.

Mr. Moyle moved that when the Senate do adjourn, it be until Tuesday, January nineteenth.

On which, the ayes and noes were demanded, by Messrs. Wright, Cunningham, and Yule, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Hale, Haswell, Henry, Moyle, Porter, Roberts, Rush, and Shepard—10.

NOES—Messrs. Burnell, Foulke, Hall, Hamilton, Jones, Kutz, Lovett, Maddox, Tuttle, Wright, and Yule—11.

So the motion was lost.



On motion of Mr. Haswell, Senate bill No. 50, an Act to exempt the County of Sutter from the Act concerning estrays in certain counties of this State, was taken up—read third time, and passed.

On motion of Mr. Roberts, Senate bill No. 107, an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, was taken up—read third time, and passed.

Indefinite leave of absence was granted to Mr. Roberts, and for one day to Messrs. Shepard, Moyle, and Hale.

Mr. Hale moved to suspend the rules, and take from "Unfinished business" the resolutions relative to drawing for senatorial terms.

The motion prevailed.

The resolutions were taken up and ordered placed on file.

Mr. Hale moved that the Senate do now adjourn.

Mr. Henry moved to amend by adding, "until Tuesday, January nineteenth."

On which amendment, the ayes and noes were demanded, by Messrs. Kutz, Wright, and Yule, and taken, with the following result :

AYES—Messrs. Benton, Cunningham, Haswell, Henry, Moyle, Porter, Roberts, Rush, and Shepard—9.

NOES—Messrs. Burnell, Foulke, Hale, Hall, Hamilton, Jones, Kutz, Lovett, Maddox, Tuttle, Wright, and Yule—12.

So the amendment was lost.

The motion recurring on the motion to adjourn, the motion was put and carried, and, at twelve o'clock and thirty minutes p. m., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 18th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

No quorum present.

Prayer was offered by Reverend N. R. Peck.

At eleven o'clock and five minutes A. M., on motion of Mr. Jones, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 19th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

Journal of Saturday last read, corrected, and approved.

Journal of yesterday read and approved.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 16th, 1864. }

MR. PRESIDENT :—The Assembly, this day, passed Senate substitute for Assembly bill No. 20, an Act to appropriate money out of the Military Fund ;

Also, Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty ;

Also, Senate bill No. 83, an Act concerning the Calaveras Mining Company ;

Also, Senate bill No. 68, an Act regulating payments of money into the Treasury of the County of Sierra.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 19th, 1864. }

MR. PRESIDENT :—The Assembly, on the sixteenth instant, amended and passed Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, same day, passed Assembly bill No. 85, an Act for the relief of W. B. Latham, Jr. ;

Also, on the eighteenth instant, passed Assembly bill No. 144, an Act imposing further duties on the Board of Supervisors of Mariposa County.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 85, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 60, above reported, read first and second times, and referred to the Committee on Elections.

Assembly amendments to Senate bill No. 25, above reported, concurred in.

Assembly bill No. 144, above reported, read first and second times, and referred to the Mariposa delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Yule, for an Act to define the boundary of Placer County.

Read first and second times, and referred to the Placer and Nevada delegations.

By Mr. Hartson, for an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act amendatory of the Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to prohibit gaming, passed March seventh, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTIONS.

Mr. Leonard offered the following resolution:

*Resolved*, That on Saturday, the twenty-third day of January, at twelve o'clock M., the Senate proceed to allot the terms of Senators in accordance with the provisions of an Act entitled an Act to provide for the allotment of Senators pursuant to section six, Article Four, of the Constitution, approved January fifteenth, eighteen hundred and sixty-four.

Mr. Burnell moved to amend, by striking out the words "Saturday, the twenty-third day of January, at twelve o'clock M.," and insert in place thereof, the words "this day, January nineteenth, at one o'clock P. M."

Amendment carried.

Resolution as amended adopted.

#### GENERAL FILE.

Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of this State—ordered to top of file for Thursday, January twenty-first, eighteen hundred and sixty-four.

Senate bill No. 43, an Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—ordered to top of file for Friday, January twenty-second, eighteen hundred and sixty-four.

Senate bill No. 95, an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three—ordered to top of file for Friday, January twenty-second, eighteen hundred and sixty-four.

Assembly concurrent resolutions No. 13, indorsing all the measures of the National Administration to suppress the rebellion, returning thanks to the army and navy, and reaffirming the unswerving loyalty of the State of California.

Pending the consideration of the resolutions, the hour arrived for the allotment of Senators.

Mr. Evans offered the following resolution :

*Resolved*, That the Secretary of State be and he is hereby requested to transmit to the Senate, forthwith, the Act to provide for the allotment of Senators, that the Senators may have the law before them to govern the drawing to be this day had under the provisions thereof.

Adopted.

Mr. Evans offered the following resolution :

*Resolved*, That the Secretary of the Senate be authorized and directed to prepare the ballots for the allotment of Senators as provided by law, and that the Page who may be designated to draw the ballots shall, when he draws a ballot, hand the same to the President of the Senate, who shall announce the result, which shall be taken down by the Secretary, and entered in full upon the journal.

Adopted.

Master James Crandall, Page, was designated by the President to draw the ballots; and in accordance with the resolution the drawing commenced.

The Secretary, by direction of the President, called the First and Second Senatorial Districts, represented by Messrs. Hamilton and Tuttle.

Mr. Hamilton drew the "first class," and Mr. Tuttle the "second class."

The Secretary then called the Fourth and Fifth Districts, represented by Messrs. Freeman and Montgomery.

Mr. Freeman drew the "first class," and Mr. Montgomery the "second class."

The Secretary then called the Third and Sixth Districts, represented by Messrs. Cot and Lovett.

Mr. Cot drew the "first class," and Mr. Lovett the "second class."

The Secretary then called the Seventh District, represented by Mr. McMurtry and the Joint Senator from San Mateo and San Francisco of the Eighth District, Mr. Hawes.

Mr. Hawes drew the "second class," and Mr. McMurtry the "first class."

The Secretary then called the Ninth and Tenth Districts, represented by Messrs. Crane and Porter.

Mr. Crane drew the "first class," and Mr. Porter the "second class."

The Secretary then called the Eleventh and Fourteenth Districts, represented by Messrs. Burnell and Meyers.

Mr. Burnell drew the "first class," and Mr. Meyers the "second class."

The Secretary then called the Seventeenth and Twenty-Fifth Districts, represented by Messrs. Hall and Rush.

Mr. Hall drew the "first class," and Mr. Rush the "second class."

The Secretary then called the Eighteenth and Nineteenth Districts, represented by Messrs. Hartson and Pierce.



Mr. Hartson drew the "second class," and Mr. Pierce the "first class."

The Secretary then called the Twenty-Sixth and Twenty-Eight Districts, represented by Messrs. Foulke and Jones.

Mr. Foulke drew the "first class," and Mr. Jones the "second class."

The Secretary then called the Twenty-Second and Twenty-Seventh Districts, represented by Messrs. Moyle and Wright.

Mr. Moyle drew the "first class," and Mr. Wright the "second class."

The Secretary then called the Twelfth District, represented by Messrs. Evans and Haskin.

Mr. Evans drew the "second class," and Mr. Haskin the "first class."

The Secretary then called the Thirteenth District, represented by Messrs. Leonard and Shepard.

Mr. Leonard drew the "second class," and Mr. Shepard the "first class."

The Secretary then called the Fifteenth District, represented by Messrs. Henry and Maddox.

Mr. Henry drew the "first class," and Mr. Maddox the "second class."

The Secretary then called the Sixteenth District, represented by Messrs. Benton and Heacock.

Mr. Benton drew the "second class," and Mr. Heacock the "first class."

The Secretary then called the Twentieth District, represented by Messrs. Hale and Yule.

Mr. Hale drew the "second class," and Mr. Yule the "first class."

The Secretary then called the Twenty-First District, represented by Messrs. Kutz and Roberts.

Mr. Kutz drew the "second class," and Mr. Roberts the "first class."

The Secretary then called the Twenty-Third District, represented by Messrs. Cunningham and Haswell.

Mr. Cunningham drew the "second class," and Mr. Haswell the "first class."

The Secretary then called the Twenty-Fourth District, represented by Messrs. Gaskill and Smith.

Mr. Gaskill drew the "first class," and Mr. Smith the "second class."

The Secretary then called Messrs. Buckley and Dodge, of the Eighth District.

Mr. Buckley drew the "first class," and Mr. Dodge the "second class."

The Secretary then called Messrs. Redington and Shafter, of the Eighth District.

Mr. Redington drew the "second class," and Mr. Shafter the "first class."

At one o'clock and forty-five minutes P. M., on motion of Mr. Leonard, the Senate adjourned.

R. BURNELL.

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, January 20th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Foulke presented a petition of the Yreka Creek Drainage Company, asking a grant of the right of way and full possession of a strip of ground for the length of said tunnel.

Referred to the Committee on Corporations.

The President presented a petition and report of the Roman Catholic Orphan Asylum of San Francisco.

Referred to the Committee on Hospitals.

Mr. Hall presented a petition of citizens of the County of Yolo, praying for the stay of sale of certain lands.

Referred to the Committee on Public Lands.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was re-committed Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes, report the same back with a substitute, and recommend the passage of the substitute.

SMITH, Chairman.

Senate bill No. 33, above reported, together with the reported substitute, were referred to the Committee on Mines and Mining Interests, and the usual number of the substitute ordered printed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, passed May eighteenth, eighteen hundred and sixty-two.

And, on the sixteenth day of January, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Haswell, Chairman of the Committee on State Hospitals, made the following report:

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Assembly bill No. 72, an Act to amend an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three, would beg leave to report it back, and recommend that it pass.

HASWELL, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, having had the same under consideration, report it back, and recommend its passage.

HARTSON, Chairman.

Mr. Jones made the following report:

MR. PRESIDENT:—The special committee, consisting of the delegation from Shasta and Trinity, to whom was referred Assembly bill No. 64, having had the same under consideration, report the same back, and recommend its passage.

JONES, for Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 19th, 1864.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 45, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, eighteen hundred and sixty-two, and to provide for the settlement of the affairs of townships organized under said Act in the County of Nevada;

Also, Senate bill No. 1, an Act to provide for the collection of delinquent taxes in Granite School District, County of Sacramento;

Also, Senate bill No. 37, an Act to amend an Act entitled an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year one thousand eight hundred and sixty-three, approved March sixth, one thousand eight hundred and sixty-three.

FRED'K F. LOW,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
January 19th, 1864.

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 127, an Act amendatory of an Act entitled an Act to provide revenue for

the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one ;

Also, passed Assembly bill No. 128, an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, on the eighteenth instant, passed Assembly bill No. 2, an Act supplementary to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-two, and to an Act supplementary to and amendatory of said Act, approved March twenty-eighth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 19th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 107, an Act to authorize P. K. Austin, and his associates, to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 107, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 2, above reported, read first and second times, and placed on file.

Assembly bill No. 127, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 128, above reported, was read first and second times, and referred to the Committee on Military Affairs.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Jones, for an Act to provide for the holding of a special term of the District Court in and for Trinity County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Foulke, for an Act granting certain rights and privileges to the Yreka Creek Drainage Company.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Smith, for an Act to provide for opening and grading Huntoon street, in the Town of Oroville, from the Railroad Depot in said town, to Safford street.

Read first and second times, and referred to the Butte delegation.

By Mr. Shafter, for an Act relating to powers of attorney.

Read first and second times, and referred to the Judiciary Committee.



Also, for an Act in relation to the Probate Court in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Benton, for an Act to provide for the sale of interest of the State of California in the territory within the water front line of the City and County of San Francisco.

Read first and second times, and referred to the Committee on Public Lands.

#### GENERAL FILE.

Senate bill, No. 41, an Act to amend section four of an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight, approved April eighth, A. D. eighteen hundred and sixty-three—returned to file.

Assembly concurrent resolution No. 13, indorsing all the measures of the National Administration to suppress the rebellion, returning thanks to the army and navy, and reaffirming the unswerving loyalty of the State of California.

The resolutions were amended as follows:

First resolution—strike out the words “the political heresy,” and substitute the words “as heretical the claim.” Strike out the words “when brought in conflict with,” and substitute the words “as paramount to.” After the word “sphere,” strike out the word “but,” and substitute the word “and.”

Amend the third resolution as follows:

In third subdivision, after the word “the,” add the words “policy of the.” Also strike out the word “act,” and substitute the word “laws.”

In the fourth subdivision, after the word “the,” add the words “policy of the.”

In the eighth subdivision, strike out all after the word “indorse,” and add the words “the financial policy of the Government.”

In the tenth subdivision, after the word “emerged,” strike out the words “and in it we behold a second Bethlehem.” After the word “liberty,” add the words “the Bethlehem.”

Amend the seventh subdivision of section five, by striking out all after the word “peace,” and insert the words “except such as shall secure the speedy extinction of slavery.”

Strike out section seven.

In the tenth resolution, after the word “invoke,” strike out the words “him to adopt.”

To the eleventh resolution add the words “and that we do most heartily favor his re-election.”

Mr. Smith moved to amend the third resolution, by adding the following as the eleventh subdivision:

“We indorse the Legal Tender law, and pledge ourselves to defend and uphold it.”

Mr. Shafter raised the point of order that the subject matter had once been voted on and rejected, and could not again be introduced in the same section.

The Chair decided the point of order not well taken.

From which decision, Mr. Shafter appealed.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Wright, Moyle, and Benton, and taken, with the following result:

AYES—Messrs. Benton, Cot, Evans, Freeman, Hall, Hamilton, Hartson, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Moyle, Pierce, Rush, Smith, and Wright—18.

NOES—Messrs. Buckley, Crane, Cunningham, Foulke, Gaskill, Hale, Haswell, Henry, Maddox, Porter, Redington, Shafter, Shepard, Tuttle, and Yule—15.

So the Chair was sustained.

Mr. Pierce moved to further amend, by adding to the amendment of Mr. Smith the following words: "And extend its provisions over this State"

Amendment lost.

The question being on the amendment of Mr. Smith, the ayes and noes were demanded, by Messrs. Smith, Benton, and Moyle, and taken, with the following result:

AYES—Messrs. Benton, Evans, Hamilton, McMurtry, Moyle, Pierce, Rush, and Smith—8.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Henry, Haskin, Jones, Leonard, Maddox, Meyers, Porter, Redington, Shafter, Shepard, Tuttle, Wright, and Yule—23.

Mr. Haswell moved to amend section eleven by adding the following words: "And that we do most heartily favor his re-election."

On which, the ayes and noes were demanded, by Messrs. Moyle, Henry, and Haswell, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Evans, Foulke, Gaskill, Hall, Haswell, Henry, Haskin, Jones, Kutz, Leonard, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—27.

NOES—Messrs. Benton, Cot, Hale, Hamilton, and Rush—5.

So the amendment was adopted.

Mr. Burnell moved to strike out in section four, the following:

"We hold that its operation is not contingent upon the occupation of any territory by the National arms, but that it is self-acting, and gives to each slave a full and complete legal title of freedom, and we will never consent that they shall, for any purpose or for any end, be returned to their former condition of bondage; but—"

Motion to strike out lost.

Mr. Pierce moved to amend the fourth section by adding the words "constitutional or unconstitutional."

Amendment lost.

Mr. Pierce also moved to amend the fourth section, line five, by inserting after the word "rights," the words "except the right to hold slaves."

Amendment lost.

Mr. Pierce also moved to amend section six by striking out the word "Copperhead," and inserting in place thereof the word "traitor."

Amendment lost.

Mr. Pierce also moved to amend section six by adding the words "and the abolition of slavery in all the States."

Amendment lost.

The question being on the adoption of the resolutions as amended, the ayes and noes were demanded, by Messrs. Moyle, Foulke, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Tuttle, Wright, and Yule—27.

NOES—Messrs. Freeman, Hamilton, Pierce, and Rush—4.

So the resolutions as amended were adopted.

At two o'clock and thirty minutes P. M., on motion of Mr. Haswell, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, January 21st, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

Journal of yesterday read and approved.

Mr. Crane presented a petition of practicing Attorneys of San Francisco, asking an amendment to the fortieth section of an Act concerning Courts of justice in this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Kutz, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 76, an Act to provide for the time of holding the several Courts of record in the Tenth Judicial District ;

Also, Senate bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County ;

Also, Senate bill No. 79, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and all other Acts amendatory ;

Also, Senate bill No. 88, an Act concerning the notice of assessment and sale of mining stocks.

KUTZ, for Committee.

Mr. Crane, Chairman of the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Assembly bill No. 122, an Act entitled an Act to authorize the City of San José to loan its credit for School purposes, and to provide for the redemption of the same, would respectfully report that they have had the same under consideration, and report the same back, with a recommendation that it pass.

CRANE, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 83, an Act concerning the Calaveras Mining Company ;

Also, Senate bill No. 68, an Act regulating payments of money into the Treasury of the County of Sierra ;

Also, Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, eighteen hundred and sixty ;

And said bills were, this the twentieth day of January, A. D. eighteen hundred and sixty-four, at three o'clock, P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment, empowered to report a resolution authorizing the appointment of an Assistant Journal Clerk, when, in their judgment, an Assistant is necessary, would report that they have paid the matter their attention, and unanimously recommend the adoption of the following resolution :

*Resolved*, That the Journal Clerk of the Senate be and he is hereby allowed to appoint an Assistant, and that said Assistant receive for compensation the sum of five dollars per day, payable out of the Fund set apart for the per diem of members and attachés of the Legislature.

MOYLE, Chairman.



On the adoption of which, the ayes and noes were demanded, by Messrs. Kutz, Gaskill, and Porter, and taken, with the following result :

AYES—Messrs. Cot, Crane, Freeman, Hall, Hamilton, Hartson, Haswell, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Montgomery, Moyle, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—22.

NOES—Messrs. Buckley, Burnell, Cunningham, Foulke, Gaskill, Hale, Henry, Meyers, Porter, Redington, and Shafter—11.

So the resolution was adopted.

Mr. Kutz gave notice that on to-morrow he would move to reconsider the vote by which the above resolution passed.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly bill No. 91, having had the same under consideration, report it back, and recommend its passage.

MADDOX, for Committee.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 49, an Act amendatory of an Act entitled an Act defining the legal distances from each county seat to the Capital, Lunatic Asylum, and State Prison, approved April twenty-fourth, eighteen hundred and fifty-eight, report the same back, and recommend its passage as amended ;

Also, Assembly bill No. 127, an Act amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend its passage ;

Also, Senate bill No. 104, an Act to repeal a certain Act, and recommend its passage ;

Also, Senate bill No. 122, an Act for the relief of the line officers of the California volunteers in the service of the United States, and recommend that it do not pass.

CUNNINGHAM, Chairman.

Mr. Smith made the following report :

MR. PRESIDENT:—The Butte delegation, to whom was referred Senate bill No. 132, an Act to provide for opening and grading Huntoon street, in the Town of Oroville, from the Railroad Depot in said town to Safford street, report the same back, and recommend its passage.

SMITH,  
GASKILL.

On motion of Mr. Smith, the rules were suspended, and Senate bill No. 132, above reported, was taken up and considered in Committee of the Whole, reported back without amendment, rules suspended, bill considered engrossed, read third time, and passed.

Mr. Montgomery, of the Mariposa delegation, reported back Assembly

bill No. 144, an Act imposing further duties on the Board of Supervisors of Mariposa County, with the recommendation that it do not pass.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 21st, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 56, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, approved March thirteenth, one thousand eight hundred and sixty ;

Also, Senate bill No. 68, an Act regulating the payments of money into the Treasury of the County of Sierra.

FRED'K F. LOW,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 20th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, amended and passed Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, passed April twentieth, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 81, an Act to provide for the payment of the claim of H. H. Bancroft & Co. ;

Also, passed Assembly bill No. 121, an Act to reduce the penalty of the official bond of the Sheriff of Yuba County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 20th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly concurrent resolution No. 19, granting E. Hall, County Clerk of San Joaquin, leave of absence for four months, and ask the concurrence of the Senate in the same ;

Also, on the nineteenth instant, passed Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 21st, 1864. }

Mr. PRESIDENT :—The Assembly has, this day, passed Assembly bill No. 116, an Act amendatory of and supplemental to an Act to fund the

debt of Solano County, and to provide for the payment thereof, passed April twenty-fourth, eighteen hundred and fifty-four.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 81, above reported, was read first and second times, and referred to the Committee on Claims.

Assembly bill No. 121, above reported, was read first and second times, and referred to the Yuba delegation.

Assembly bill No. 154, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly concurrent resolution No. 19, above reported, was concurred in.

Senate refused to concur in amendments to Senate bill No. 53, above reported.

Assembly bill No. 116, above reported, was read first and second times, and, on motion, the rules were suspended, the bill considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Gaskill moved to suspend the rules, and take up Assembly bill No. 144, above reported.

Motion carried.

The bill was taken up, considered as in Committee of the Whole, reported back with amendments, the amendments concurred in in Senate, and read third time.

On the final passage, the ayes and noes were demanded, by Messrs. Hale, Foulke, and Montgomery, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cunningham, Evans, Foulke, Gaskill, Hartson, Haswell, Hawes, Henry, Haskin, Jones, Leonard, Maddox, McMurttry, Shafter, Tuttle, Wright, and Yule—19.

NOES—Messrs. Crane, Freeman, Hale, Hamilton, Kutz, Meyers, Montgomery, Pierce, Porter, Redington, Rush, and Shepard—12.

So the bill passed.

On motion of Mr. Jones, Assembly bill No. 64, an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eight, eighteen hundred and sixty-three, was taken up, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Hawes moved to suspend the rules, and take from its regular order on the file Senate bill No. 71, an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo.

Motion carried.

The bill was taken up, and, by unanimous consent, was further amended, read third time, and passed.

#### GENERAL FILE.

Senate Bills Nos. 18 and 20, each entitled an Act creating a Board of Commissioners to revise and codify the laws of the State—were ordered to top of the file for Wednesday, January twenty-seventh, eighteen hundred and sixty-four.

Senate concurrent resolutions No. 10, indorsing the policy of the Administration of Abraham Lincoln, etc.—laid on the table.

Senate bill No. 67, an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-two, and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine—considered as in Committee of the Whole, reported back without amendment, and recommitted to the Committee on Public Lands, and the usual number of copies ordered printed.

Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers—considered as in Committee of the Whole, reported back without amendment, and ordered engrossed and read the third time.

Senate bill No. 103, an Act relating to appeals—considered as in Committee of the Whole, reported back with amendments, and bill with the amendments laid on the table.

Senate bill No. 106, an Act concerning elections—referred to the Judiciary Committee.

At two o'clock and ten minutes P. M., on motion of Mr. Hale, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of the Senate.

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## IN SENATE.

SENATE CHAMBER,  
Friday, January 22d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

Journal of yesterday read and approved.

Mr. Kutz, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday adopted a resolution allowing the Journal Clerk an Assistant.

On the vote being taken, the ayes and noes were demanded, by Messrs. Kutz, Gaskill, and Cunningham, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Evans, Foulke, Gaskill, Hale, Hamilton, Hartson, Hawes, Henry, Kutz, McMurtry, Meyers, Porter, Redington, Shafter, Smith, Tuttle, Wright, and Yule—22.

NOES—Messrs. Cot, Freeman, Hall, Haswell, Haskin, Jones, Leonard, Lovett, Maddox, Montgomery, Moyle, Pierce, Rush, and Shepard—14.



So the resolution was reconsidered.

On motion, laid on the table.

The Committee on Enrolment was, on motion of Mr. Moyle, excused from the further consideration of the subject matter.

#### REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 135, an Act relating to powers of attorney, having had the same under consideration, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 92, an Act to fix the bonds of the Treasurer of Santa Barbara County, having had the same under consideration, report the same back with amendments, and recommend its passage as amended;

Also, Assembly bill No. 110, an Act to amend section two of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed April fourteenth, eighteen hundred and sixty-three, report the same back, and recommend its passage;

Also, Senate bill No. 109, an Act for the relief of José Arnaldo Marquez, report the same back, and recommend it be referred to the Committee on Public Morals;

Also, Senate bill No. 130, an Act to provide for the holding of a special term of the District Court in and for Trinity County, report the same back, and recommend its passage.

HARTSON, Chairman.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 115, an Act to incorporate the Town of Santa Barbara, report the same back, with recommendation in favor of its passage.

SMITH, Chairman.

Mr. Burnell, Chairman of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 69, an Act in relation to county seats, report the same back, and recommend its indefinite postponement.

BURNELL, Chairman.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined and found correct the following bills:

Claimant.	Amount.
George I. Lytle, for sundries.....	\$135 37
M. E. Gelston.....	25 00
J. A. Vaughn.....	5 25
J. S. Van Doren.....	1 50
San Francisco Monitor.....	3 00
C. Barr.....	19 50
C. A. Carolan.....	7 50
Wine, Wool, and Stock Journal.....	9 00
A. F. Kilson.....	5 00
Calaveras Chronicle.....	0 75
Echo du Pacifique.....	1 50
Daniel W. Clark.....	9 00
Deney & Vaughn.....	5 25
Spirit of the Times.....	10 50
Clark & Dalziel.....	29 00
Clark & Dalziel.....	25 50
James L. English.....	55 00
Gowan & Co.....	25 00
O. B. Powers & Co.....	3 00
James Anthony & Co.....	133 00
J. M. Boardman.....	10 00
M. Graf.....	1 00
F. I. More.....	2 00
Mrs. S. M. Tilden.....	20 00
S. Krambach.....	24 00
O'Connor.....	1 50
J. Campbell.....	146 00
Philip Groves.....	21 00
George Boardman, Postmaster.....	32 85
Total.....	\$775 97

The Committee recommend the adoption of the following resolution :

*Resolved*, That the Controller of State be and is hereby required to draw his warrants in favor of the above parties for the several amounts, payable out of the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report :

Mr. PRESIDENT :—Your Committee on Military Affairs, to whom was referred Assembly bill No. 128, an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three, have had the same under consideration, and report the

bill back, with the accompanying amendments, and recommend its passage as amended.

EVANS, Chairman.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 84, an Act to prevent the trespassing of animals upon private property in the County of Santa Barbara, have had the same under consideration, and beg leave to report the same back, with an amendment in the form of an additional section, and recommend the passage of the bill as amended.

MEYERS, Chairman.

Mr. Moyle made the following report:

MR. PRESIDENT:—The Sierra delegation, to whom was referred Assembly bill No. 71, an Act to provide for the collection of delinquent taxes in the County of Sierra, have had the same under consideration, and report it back without amendment, and recommend its passage.

MOYLE, for Delegation.

Mr. Hawes made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, have had the same under consideration, and beg leave to report it back, with amendments, and recommend the passage of said bill as amended;

Also, Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, have had the same under consideration, and beg leave to report it back, with amendments, and recommend the passage of said bill as amended;

Also, Senate bill No. 134, an Act entitled an Act in relation to the Probate Court in the City and County of San Francisco, beg leave to report the same back, and recommend its passage without amendment;

Also, Assembly bill No. 89, an Act in relation to the office of Assessor of the City and County of San Francisco, beg leave to report the same back, and recommend its passage without amendment.

HAWES, for Delegation.

The President presented a communication from Louis Lootens, containing the report of the Roman Catholic Male Orphan Asylum of San Rafael.

Referred to the Committee on Hospitals.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 21st, 1864. }

MR. PRESIDENT:—The Assembly has, this day, concurred in Senate

amendment to Assembly concurrent resolutions No. 13, as far as relates to indorsing Abraham Lincoln for the next Presidency, and have refused to concur in the balance of said amendments, and ask the Senate to recede from the same.

O. C. WHEELER,  
Chief Clerk.

Assembly concurrent resolutions No. 13, above reported, were taken up.

Mr. Smith moved that the Senate recede from its amendments not concurred in by the Assembly.

On the question, the ayes and noes were demanded, by Messrs. Foulke, McMurtry, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Foulke, Freeman, Haskin, Maddox, McMurtry, Moyle, Pierce, and Smith—9.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Evans, Hale, Hall, Hamilton, Hartson, Henry, Jones, Kutz, Leonard, Lovett, Meyers, Montgomery, Porter, Redington, Rush, Shafter, Shepard, Tuttle, Wright, and Yule—25.

So the Senate refused to recede from its amendments.

Mr. Shafter moved that a Committee of Conference be appointed on the disagreement, and that the resolutions be transmitted to the Assembly.

Carried.

The President announced as said Committee of Conference, Messrs. Shafter, Hale, and Smith.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly.

ASSEMBLY CHAMBER,  
January 22d, 1864. }

MR. PRESIDENT :—The Assembly, this day, passed Assembly concurrent resolution No. 20, granting John W. Bost, County Clerk of Merced County, leave of absence from this State, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 22d, 1864. }

MR. PRESIDENT :—The Assembly has, this day, passed Senate bill, No. 84, an Act to appropriate money to pay the claim of F. F. Fargo ;

Also, Assembly bill No. 153, an Act to regulate the revenue from civil actions in the Courts of record in the counties of this State ;

Also, this day, indefinitely postponed Senate bill No. 26, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

R. H. DALY,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
January 22d. 1864. }

Mr. PRESIDENT:—The Assembly has, this day, concurred in Senate amendment to Assembly bill No. 144, an Act imposing further duties on the Board of Supervisors of Mariposa County;

Also, resolved to adhere to the Assembly amendment to Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, passed April twentieth, eighteen hundred and sixty-three, and have appointed Messrs. Teare, Campbell of San Francisco, and Wright, as a Committee of Free Conference, on the part of the Assembly, and ask the appointment of a like committee on the part of the Senate.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 20, above reported, concurred in.

Mr. Burnell moved that a Committee of Conference be appointed on the disagreement between the Senate and Assembly, on Senate bill No. 53, above reported.

Carried.

Assembly bill No. 153, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burnell, for an Act to legalize the assesment of taxes in the County of Amador.

Read first and second times, and placed on file.

By Mr. Buckley, for an Act concerning the Coroner of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters pertaining thereto, approved April twenty-second, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Redington, for an Act for the relief of Marcuse and Baltzar.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to re-district the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### RESOLUTIONS.

Mr. Benton offered a concurrent resolution authorizing the printing of the report of the State Board of Agriculture.

Adopted.

Mr. Buckley offered the following resolution:

*Resolved*, That the Hospital Committee be authorized to visit the State Reform School at Marysville, in connection with a like committee from the Assembly, already instructed to make such official visit.

Adopted.

Mr. Kutz moved to take from the table the message of the Governor of date of January thirteenth, relating to the finances of the State.

Motion prevailed.

The message was taken up, and referred to the Finance Committee.

On motion of Mr. Shafter, Assembly bill No. 7, an Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco, was taken up, considered as in Committee of the Whole, reported back without amendment, and the bill read third time, and passed.

Mr. Shafter moved to take up Senate bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for the purchase of a lot and building adjoining the City Hall in said city and county, and for alteration and repairs thereof.

Motion prevailed.

The bill was considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, and read third time, and passed.

On motion of Mr. Jones, Senate bill No. 130, an Act to provide for the holding of a special term of the District Court in and for Trinity County, was taken up, considered as in Committee of the Whole, reported back without amendment, and rules suspended, the bill considered engrossed, read third time, and passed.

On motion of Mr. Burnell, Senate bill No. 137, an Act to legalize the assessment of taxes in the County of Amador, was taken up, considered as in Committee of the Whole, reported back without amendment, and rules suspended, the bill considered engrossed, and read third time, and passed.

Mr. Kutz moved that the Senate do now adjourn.

Motion lost.

#### GENERAL FILE.

Senate bills Nos. 95 and 43, each entitled an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three.

On the motion to indefinitely postpone the above bills, the ayes and noes were demanded, by Messrs. Evans, Lovett, and Tuttle, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Gaskill, Hale, Hall, Hamilton, Hartson, Hawes, Lovett, Meyers, Montgomery, Moyle, Redington, Shafter, and Wright—17.

NOES—Messrs. Cot, Evans, Freeman, Haswell, Henry, Kutz, Maddox, Pierce, Rush, Shepard, and Tuttle—11.

So the bills were indefinitely postponed.

At three o'clock and thirty minutes P. M., on motion of Mr. Montgomery, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 23d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Réverend Mr. Thomas.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Henry for one day.

The President announced as the Committee of Conference on the part of the Senate, on Senate bill No. 53, Messrs. Burnell, Smith, and Crane.

## REPORTS.

Mr. Kutz, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 81, an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, eighteen hundred and fifty-seven ;

Also, Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property.

FREEMAN, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, having had the same under consideration, report it back, with a substitute, and recommend the passage of the substitute ;

Also, Senate bill No. 16, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, and to repeal all other Acts on the same subject, passed April twenty-seventh, eighteen hundred and sixty-three, report the same back, with a substitute, and recommend the passage of the substitute.

HARTSON, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 65, have had the same under consideration, and report it back, and recommend its passage.

JONES, Chairman.

Mr. Yule, Chairman of the Committee on Mines and Mining Interests, made the following report :

Mr. PRESIDENT :—Your Committee on Mines and Mining Interests, to whom was referred Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State, for the purpose of mining out of the State, passed March fifth, eighteen hundred and sixty-one, have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

YULE, Chairman.

Mr. Crane made a verbal report, recommending the passage of Assembly bill No. 47, an Act to amend section one of an Act entitled an Act to authorize the Treasurer of Alameda County to collect the taxes of said county, approved April twentieth, eighteen hundred and sixty-three.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 22d, 1864. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body the claim of John Byrnes, Bailiff of the Supreme Court, for three thousand five hundred and seventy-eight dollars and seven cents, for materials furnished and labor performed in fitting, furnishing, and repairing Supreme Court room, Judges' chambers, Clerk's office, Secretary's office, and Attorney-General's office, together with the action of the State Board of Examiners concerning said claim.

FRED'K F. LOW,  
Governor.

Referred to the Committee on Claims.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
January 23d, 1864. }

Mr. PRESIDENT :—The Assembly, on the twenty-second instant, passed Assembly bill No. 27, an Act for the construction of a bridge across the Mokelumne River at Benson's Ferry ;

Also, same day, passed Senate bill No. 50, an Act to exempt the County of Sutter from the Act concerning estrays in certain counties of this State ;

Also, same day, passed Senate bill No. 90, an Act to define and locate the seat of justice of Mono County.

R. H. DALY,  
Assistant Clerk.



Assembly bill No. 27, above reported, read first and second times, and referred to the Committee on Roads and Highways.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Redington, for an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co.

Read first and second times, and referred to the Finance Committee.

By Mr. Crane, for an Act concerning suits wherein the State is a party.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Yule, for an Act supplementary to an Act entitled an Act for the protection of water companies, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hartson, for an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Leonard, for an Act to divide the State into Congressional Districts, and to fix the time of electing Representatives to Congress.

Read first and second times, the usual number of copies ordered printed, and referred to the Committee on Federal Relations.

By Mr. Buckley, for an Act to authorize the construction of floating dry docks in the harbor of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gaskill, for an Act making appropriations for the support of the civil government of this State, for the sixteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-four,

and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-five.

Read first and second times, the usual number of copies ordered printed, and referred to the Finance Committee.

Also, for an Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

By Mr. Rush, for an Act to amend an Act entitled an Act concerning Attorneys and Counsellors at law, passed February nineteenth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Evans, by leave, presented a petition from Isaac F. Baker, praying for the passage of an Act for the relief of his liability on his bonds for the loss of State and county moneys.

Referred to the Committee on Claims.

Mr. Evans gave notice that he would, at an early day, introduce a bill for the relief of I. F. Baker and his bondsmen as Tax Collector for Township No. 4, Tuolumne County.

#### GENERAL FILE.

Assembly bill No. 88, an Act to fix the amount of the official bond of the Public Administrator of the County of El Dorado—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 95, an Act to amend an Act entitled an Act concerning certain salaries in the County of Santa Barbara, approved March sixteenth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate resolutions relative to drawing for Senatorial terms—indefinitely postponed.

Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof—recommitted to Mr. Hale, with instructions to amend as follows:

Amend section one, line eighteen, by inserting after the word "and," the words "when the party seeking judgment for damages shall be defeated therein, and."

Senate bill No. 57, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, and ordered to top of file for Monday, January twenty-fifth.

Mr. Kutz, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 130, an Act to provide for

the holding of a special term of the District Court in and for Trinity County.

KUTZ, for Committee.

At one o'clock and thirty minutes P. M., on motion of Mr. Benton, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 25th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Leave of absence of one day, each, was granted to Messrs. Hall, Crane, and Haskin.

Journal of Saturday last was read and approved.

## PETITIONS.

Mr. Gaskill presented the petition of M. H. Wells, asking an appropriation for removing Indians in Butte County.

Referred to the Finance Committee.

Mr. McMurtry presented a petition of citizens of the State, asking for a special tax for educational purposes.

Referred to the Committee on Education.

## REPORTS.

Mr. Yule, Chairman of the Committee on Mines and Mining Interests, made the following report :

MR. PRESIDENT :—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 46, an Act to authorize mining companies to change their places of business, have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

YULE, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT :—The undersigned, a majority of the Judiciary Committee, to whom was recommitted Senate bill No. 48, an Act concerning

officers, beg leave to report the same back, with an amendment, and recommend its passage as amended, for the following reasons.

HARTSON, Chairman.

[For full report, see Appendix.]

The report, with the above reported bill, was ordered printed.

Mr. Freeman, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for purchase of lot and buildings, and making repairs ;

Also, Senate bill No. 132, an Act to provide for opening and grading Hinton street, in the Town of Oroville, from the Railroad Depot in said town to Safford street ;

Also, Senate bill No. 137, an Act to legalize the assessment of taxes in the County of Amador ;

Also, Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers.

FREEMAN, for Committee.

Mr. Gaskill made the following report :

MR. PRESIDENT :—Your special committee, to whom was referred Senate concurrent resolution No. 1, relative to the seat held in the United States Senate by the Honorable James A. McDougall, beg leave to report that they have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

GASKILL, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 23d, 1864. }

MR. PRESIDENT :—The Assembly this day passed Assembly concurrent resolution No. 21, relative to printing General File of both branches of the Legislature, and ask the concurrence of the Senate in the same ;

Also, passed Senate bill No. 76, an Act to provide for the time of holding the several Courts of record in the Tenth Judicial District ;

Also, concurred in Senate concurrent resolution No. 20, relative to printing report of the State Board of Agriculture ;

Also, this day, appointed Messrs. Wiley, Campbell of San Francisco, and Owen, a Committee of Free Conference, on the part of the Assembly, on Assembly concurrent resolutions No. 13, indorsing all the measures of the National Administration.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 23d, 1864. }

MR. PRESIDENT :—The Assembly this day passed Assembly bill No. 130,



an Act to grant the right to construct a turnpike road between the Town of Pine Grove and a point on the road leading up the Middle Fork of Jackson Creek, about one and three fourths miles above the Town of Jackson, in Amador County;

Also, amended and passed Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State.

O. C. WHEELER,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 130, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly amendments to Senate bill No. 64, above reported, concurred in.

Assembly concurrent resolutions No. 21, above reported, relative to printing the General File, amended and adopted.

Mr. Roberts offered a concurrent resolution, giving the Joint Committee on the Deaf, Dumb, and Blind Asylum a Sergeant-at-Arms and Clerk.

Adopted.

Mr. Hale made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Senate bill No. 39, with special instructions to amend said bill, by inserting after the word "and" in the eighteenth line, the following, to wit: "when the party seeking judgment for damages shall be defeated therein, and" herewith reports back said bill, with said amendment, as per instruction.

HALE.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hawes, for an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to limit the time for the commencement of civil actions in certain cases.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Benton, for an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Evans, for an Act for the relief of Isaac F. Baker, Tax Collector for District No. 4, in and for Tuolumne County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Foulke, for an Act concerning legal advertisements.

Read first and second times, and referred to the Judiciary Committee.

## GENERAL FILE.

On motion of Mr. McMurtry, Assembly bill No. 122, an Act to authorize the City of San José to loan its credit for School purposes, and to provide for the redemption of the same—was taken from its regular order, considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Senate bill No. 57, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, and ordered engrossed, and read third time.

Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough—returned to file.

Senate bill No. 70, an Act to authorize the removal of the office and principal place of business of mining corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco—substitute adopted, considered as in Committee of the Whole, reported back with amendment, amendment concurred in, ordered engrossed, and read third time.

Assembly bill No. 40, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 15, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—amended, ordered engrossed, and read third time.

Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 35, an Act to exempt the property of the San Francisco Ladies' Protection and Relief Society from taxation—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 126, an Act to amend an Act entitled an Act to extend the time of office, define the duties and powers in certain cases, and establish the salaries of the Board of Supervisors of San Bernardino County, approved April fifteenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada—amendments proposed by Nevada delegation adopted, considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 72, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-third, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 2, an Act supplementary to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-two, and to an

Act supplementary and amendatory of said Act, approved March twenty-eighth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—considered as in Committee of the Whole, and reported back without amendment.

Mr. Wright moved to amend by striking out in section one, line twenty-two, all after the word "land," down to the word "with," in line twenty-five.

Mr. Kutz moved to amend the amendment by striking out all after the word "land," line twenty-two, section one, down to the word "in," in line twenty-three.

Amendment adopted.

On motion of Mr. Hawes, the bill, with the amendment, was recommitted to the Judiciary Committee.

Senate bill No. 41, an Act to amend section four of an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight, approved April eighth, A. D. eighteen hundred and sixty-three—*indefinitely postponed*.

Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States—referred to the Committee on Military Affairs, and the usual number of copies ordered printed.

Senate bill No. 104, an Act to repeal a certain Act—considered as in Committee of the Whole, and reported back without amendment.

Mr. Wright moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Wright, Jones, and Gaskill, and taken, with the following result:

AYES—Messrs. Benton, Foulke, Jones, Kutz, Rush, Shepard, and Wright—7.

NOES—Messrs. Buckley, Burnell, Cot, Cunningham, Freeman, Gaskill, Hamilton, Hartson, Haswell, Hawes, Leonard, Maddox, McMurtry, Montgomery, Moyle, Pierce, Porter, and Redington—18.

So the motion was lost.

The bill was ordered engrossed and read third time.

At four o'clock P. M., on motion of Mr. Burnell, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 26th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Charlton.

Indefinite leave of absence was granted to Mr. Yule.

Journal of yesterday read and approved.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 153, an Act to regulate the revenue from civil actions in the Courts of record in the counties of this State, having had the same under consideration, report it back, and recommend it be indefinitely postponed;

Also, Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three, report the same back, and recommend its passage.

HARTSON, Chairman.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Redington, for an Act concerning the Mayor of the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Meyers, for an Act to appropriate money to pay the claim of A. Blossom.

Read first and second times, and referred to the Committee on Claims.

## RESOLUTIONS.

Mr. Henry offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure green curtains for the Senate Chamber, and have the same substituted for those now in use, the expense to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Pierce offered a concurrent resolution relative to the currency of the country.



Mr. Wright moved to lay the resolution on the table.

On which motion, the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and McMurtry, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Porter, Redington, Shafter, Shepard, Smith, Tuttle, and Wright—29.

NOES—Messrs. Freeman, Hamilton, Montgomery, Pierce, and Rush—5.

So the resolution was laid on the table.

Mr. Porter offered the following resolution :

*Resolved*, That the Committee on Public Lands be hereby required to prepare and report a bill to prevent the unnecessary injury and destruction of timber upon the Public Lands of this State.

Mr. Crane moved to amend by inserting after the word "to," line three, the words, "inquire into the expediency of reporting a bill, and, if necessary, to."

Amendment adopted.

Mr. Shafter moved to amend further, by inserting after the word "public" the words "and private."

Amendment carried.

The resolution, as amended, adopted.

On motion of Mr. Hale, the Sergeant-at-Arms was granted four days leave of absence.

#### GENERAL FILE.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—consideration in Committee of the Whole resumed, and pending consideration, on motion of Mr. Smith, was ordered to top of the file for Wednesday, January twenty-seventh.

Senate bill No. 79, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory and supplementary thereto—read third time, and passed.

On motion of Mr. Crane, at two o'clock p. m., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, January 27th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Redington presented a petition of the San Francisco Trades Union in relation to the specific contract law.

Referred to the Committee on Federal Relations.

Under a call for a division of the Senate on the motion to refer the above petition, Mr. Hawes addressed the Chair for the purpose of speaking to the question.

The Chair decided the Senator out of order, on the ground that a division was being taken on a vote.

Mr. Hawes appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the Senate?" the vote was taken, and the Chair sustained.

Mr. Tuttle presented a petition from citizens of the County of San Bernardino, asking the repeal of a certain Act.

Laid on the table.

Mr. Benton presented a petition from the Board of School Commissioners of the County of Sacramento.

Referred to the Sacramento delegation.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, report the same back, and recommend its passage.

SMITH, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands, to whom was referred Senate bill No. 67, an Act to provide for the floating of School Land warrants, have had the same under consideration, and believe that the language is sufficient for the purposes therein specified, and respectfully report the same back, with the recommendation that it do pass.

WRIGHT, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 84, an Act to appropriate money to pay the claim of F. F. Fargo ;

Also, Senate bill No. 90, an Act to define and locate the seat of justice of Mono County ;

Also, substitute for Senate bill No. 50, an Act to exempt the County of Sutter from the Act concerning estrays in certain counties of this State.

And said bills were, this twenty-sixth day of January, A. D. eighteen hundred and sixty-four, at two o'clock P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
January 27th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 90, an Act to define and locate the seat of justice for Mono County ;

Also, Senate bill No. 50, an Act to exempt the County of Sutter from the Act concerning estrays in certain counties of this State ;

Also, Senate bill No. 84, an Act to appropriate money to pay the claim of F. F. Fargo ;

Also, Senate bill No. 25, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

FRED'K F. LOW,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 25th, 1864. }

MR. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 53, an Act making appropriation for a deficiency in the appropriations made for the fourteenth fiscal year, ending on the thirtieth day of June, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 75, an Act to provide for the disposition of moneys collected under an Act entitled an Act concerning passengers arriving in the ports of the State of California, approved May twelfth, eighteen hundred and fifty-two, and Acts amendatory thereof and supplemental thereto ;

Also, passed Assembly bill No. 94, an Act to change the name of George Andrews Hatch to George Andrews Pavey, and confirm his adoption by William Henry Pavey.

R. H. DALY,  
Assistant Clerk.

## ASSEMBLY CHAMBER.

January 27th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-sixth day of January, eighteen hundred and sixty-four, passed Senate bill No. 71, an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo;

Also, on same day, passed Senate bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for purchase of lot and building and making repairs;

Also, on same day, concurred in Senate concurrent resolution No. 21, relative to the employment of Clerk and Sergeant-at-Arms by the Deaf, Dumb, and Blind Asylum Committee;

Also, on same day, passed Assembly bill No. 123, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, on same day, passed Assembly bill No. 147, an Act to transfer certain funds;

Also, on same day, passed Assembly bill No. 156, an Act to fix the compensation of the Board of Supervisors of Yolo County;

Also, on same day, concurred in Senate amendment to Assembly concurrent resolution No. 21, relative to printing the General File.

R. H. DALY,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 53, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 75, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 147, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 94, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 146, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 123, above reported, read first and second times, and referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McMurtry, for an Act to provide for the construction of a turn-pike road in Santa Clara and Santa Cruz Counties.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Wright, for an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof.

Read first and second times, and placed on file.

By Mr. Buckley, for an Act concerning the rate of fare on street railroads in the City and County of San Francisco.



Read first and second times, and referred to the San Francisco delegation.

By Mr. Haswell, for an Act to amend section eighty-three of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

By Mr. Shepard, for an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Benton, for an Act in relation to the Board of Education of the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Mr. Crane offered a concurrent resolution relative to the relaxation and modification of the order of the President, of November, eighteen hundred and sixty-two, concerning the shipment of powder from the port of San Francisco.

Adopted.

#### GENERAL FILE.

Senate bills Nos. 18 and 20, each entitled an Act creating a Board of Commissioners to revise and codify the laws of this State—the Senate refused to adopt the substitute to the above bills, reported by the Judiciary Committee, and on motion of Mr. Wright—

Senate bill No. 18—considered as in Committee of the Whole, reported back, with amendments.

On concurring in the amendment to section eight, to wit: “and, *provided*, that said Commissioners shall not codify pages seven hundred and fifty-five, six, seven, eight, and nine of same Digest, but shall destroy the same,” the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Freeman, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Henry, Haskin, Leonard, Lovett, McMurtry, Meyers, Porter, Redington, Shafter, Shepard, Smith, Tuttle, and Wright—26.

NOES—Messrs. Freeman, Hamilton, Kutz, Montgomery, Moyle, Pierce, and Rush—7.

So the amendment was concurred in.

Mr. Hawes having declined voting on the above question, Mr. Wright moved that he now record his vote on the concurrence of the Senate to the above amendment.

On which, the ayes and noes were demanded, by Messrs. Wright, Gaskill, and Tuttle, and taken, with the following result:

AYES—Messrs. Benton, Evans, Gaskill, and Wright—4.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Foulke, Freeman, Hale, Hall, Hamilton, Hartson, Haswell, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Rush, Shafter, Shepard, and Tuttle—30.

So the motion was lost.

The other amendments made in the Committee of the Whole were then concurred in.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Foulke, Hale, and Gaskill, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Cunningham, Evans, Hall, Hartson, Haswell, Henry, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Montgomery, Moyle, Pierce, Shepard, Smith, Tuttle, and Wright—22.

NOES—Messrs. Buckley, Crane, Foulke, Freeman, Gaskill, Hale, Hamilton, Maddox, Meyers, Redington, Rush, and Shafter—12.

So the bill was ordered engrossed and read third time.

Senate bill No. 20, an Act to create a Board of Commissioners to revise and codify the laws of this State—laid on the table.

Mr. Hartson moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Wright, and Kutz, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Evans, Freeman, Hartson, Haswell, Henry, Haskin, Jones, Leonard, Maddox, Meyers, Pierce, Porter, Redington, Rush, Shepard, Smith, and Tuttle—22.

NOES—Messrs. Crane, Cunningham, Foulke, Gaskill, Hale, Hamilton, Kutz, Lovett, McMurtry, Moyle, Shafter, and Wright—12.

So at three o'clock P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, January 28th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read and approved.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and in-

vestment of funds and savings, report the same back, and recommend its passage.

SMITH, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands, to whom was referred the petition of Hoag and others, citizens of Yolo County, in regard to Swamp and Overflowed Lands, have had the same under consideration, and respectfully report a set of resolutions upon this subject, and recommend their adoption

WRIGHT, Chairman.

On motion of Mr. Wright, the above mentioned resolutions relating to the Swamp Lands of this State, were taken up under a suspension of the rules, read first and second times, rules further suspended, considered engrossed, read third time, and passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 64, an Act entitled an Act to confirm the election of Boards of Supervisors in the several counties of this State;

Also, Senate bill No 76, an Act to provide for the time of holding the several Courts of record in the Tenth Judicial District.

And said bills were, on the twenty-seventh day of January, A. D. eighteen hundred and sixty-four, at three o'clock P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. McMurtry, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada.

McMURTRY, for Committee.

Mr. Leonard made the following report:

MR. PRESIDENT:—The Calaveras delegation, to whom was referred Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree road, near the Big Meadows, in Calaveras County, having had the same under consideration, report the same back, with an amendment, and recommend the passage of the bill as amended.

LEONARD,  
SHEPARD.

Mr. Benton made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 155, an Act to amend an Act entitled an Act providing

for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, report the same back, and recommend its passage;

Also, Senate bill No. 165, an Act relative to the Board of Education of the City of Sacramento, report the same back, and recommend its passage.

BENTON, for Delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 27th, 1864. }

Mr. PRESIDENT :—The Assembly, on the twenty-sixth day of January, eighteen hundred and sixty-four, passed Assembly bill No. 172, an Act to extend the time of final payment for certain lands.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 28th, 1864. }

Mr. PRESIDENT :—The Assembly, on the twenty-seventh instant, passed Assembly bill No. 34, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one ;

Also, same day, passed Assembly bill No. 174, an Act to submit the question of the removal of the county seat of Lake County to the qualified voters thereof.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 34, above reported, was read first and second times, and referred to the Finance Committee.

Assembly bill No. 172, above reported, was read first and second times, and referred to the Committee on Public Lands.

Assembly bill No. 174, above reported, was read first and second times, and referred to the Lake and Napa delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Cunningham, for an Act concerning the District Courts of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act concerning assessments upon the stock of corporations.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act supplementary to an Act entitled an Act to authorize



the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, passed May twenty-eighth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McMurtry, for an Act to repeal Chapter Five of an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTION.

Mr. Hawes offered the following resolution :

WHEREAS, Doubts have arisen as to the point of time when questions under consideration before this House cease to be open for debate, in consequence of the same having been put to the vote ; therefore,

*Resolved*, That it is the sense and judgment of this Senate that, by the established law and practice applicable to the case, and which ought to govern, when the question is taken by the voices, and the decision as to the result of the vote is questioned by any Senator, by calling for a division of the House, the question is then open for debate only until the result of the division has been announced by the Chair ; and when a question is taken by a division of the House, though not previously taken by the voices, the fact that the affirmative or negative votes, or both, have been given on the division does not preclude further debate, if any Senator should think fit to continue it ; and when the question is taken by yeas and nays, the question is open for debate until the roll has been called, and at least one Senator has answered to his name ; and if, through inadvertence or otherwise, any Senator addressing the Chair, while the question is yet open for debate, should not be recognized, and the fact shall afterwards be brought to the notice of the Senate, the question will again be open for debate, and his right and privilege to speak to it ought to be admitted in the same manner as before, even though the question has been taken, and the result declared by the Chair.

Resolution adopted.

#### GENERAL FILE.

Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—consideration, as in Committee of the Whole, was resumed.

Mr. Henry moved to dispense with the further reading, and place the bill at top of the file for Friday, February fifth.

Mr. Redington moved to amend by placing it at top of the file for April seventh.

On which amendment, the ayes and noes were demanded, by Messrs. Burnell, Montgomery, and Haskin, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Redington, Shafter, and Shepard—13.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hamilton, Hartson,

Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Rush, Smith, Tuttle, and Wright—21.

So the amendment was lost.

The motion being to place the bill at top of the file for Friday, February seventh, the ayes and noes were demanded, by Messrs. Montgomery, Lovett, and Kutz, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Hall, Hawes, Henry, Haskin, Leonard, Shafter, and Shepard—10.

NOES—Messrs. Benton, Cot, Evans, Foulke, Freeman, Gaskill, Hamilton, Hartson, Haswell, Kutz, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Rush, Smith, Tuttle, and Wright—23.

So the motion was lost.

The bill was reported back to the Senate without amendment.

Mr. Gaskill moved to amend by striking out section ten, to wit:

“This Act shall not in any manner render invalid existing contracts made before the passage of this Act for the payment of specific kinds of money or currency.”

On which motion, the ayes and noes were demanded, by Messrs. Montgomery, Crane, and Gaskill, and taken, with the following result:

AYES—Messrs. Buckley, Cot, Crane, Cunningham, Foulke, Gaskill, Hale, Haswell, Henry, Jones, Redington, Shafter, Shepard, and Wright—14.

NOES—Messrs. Benton, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Rush, Smith, and Tuttle—19.

So the motion to strike out was lost.

Mr. Gaskill moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Smith, Montgomery, and Wright, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Haswell, Hawes, Henry, Porter, and Shepard—11.

NOES—Messrs. Benton, Evans, Freeman, Hall, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Redington, Rush, Shafter, Smith, Tuttle, and Wright—22.

So the motion to adjourn was lost.

The question being on the engrossment and third reading of the bill, the ayes and noes were demanded, by Messrs. Montgomery, Evans, and Pierce.

Mr. Porter moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Montgomery, Evans, and Hartson, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Foulke, Gaskill,

Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, Shepard, and Tuttle—17.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Smith, and Wright—18.

So the motion to adjourn was lost.

Mr. Hall moved to strike out section one of the bill.

On which, the ayes and noes were demanded, by Messrs. Montgomery, Wright, and Kutz, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, and Shepard—16.

NOES—Messrs. Benton, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Smith, Tuttle, and Wright—18.

So the motion to strike out was lost.

Mr. Hale moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Montgomery, Evans, and Haskin, and taken with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, and Shepard—16.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Smith, Tuttle, and Wright—19.

So the motion was lost.

Mr. Hawes moved to amend the bill as follows :

“That this Act shall not apply to contracts made for payment of wages of labor, whenever such contracts are made payable in gold or silver coin.”

On which, the ayes and noes were demanded, by Messrs. Hawes, Hale, and Gaskill, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, and Shepard—15.

NOES.—Messrs. Benton, Burnell, Cot, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Myers, Montgomery, Pierce, Smith, Tuttle, and Wright—19.

So the amendment was lost.

Mr. Gaskill now moved to strike out section two of the bill.

Mr. Evans moved the previous question.

Carried.

The question being, “Shall the main question be now put?” the ayes and noes were demanded, by Messrs. Hawes, Gaskill, and Hall, and taken, with the following result :

AYES—Messrs. Benton, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, and Wright—19.

NOES—Messrs. Buckley, Cot, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, and Shepard—16.

So the motion prevailed.

The question being on striking out section two, the ayes and noes were demanded, by Messrs. Montgomery, Hall, and Evans, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Redington, Shafter, and Shepard—15.

NOES—Messrs. Benton, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, and Wright—19.

So the motion to strike out was lost.

The question then being on ordering the bill engrossed, the ayes and noes were taken, with the following result :

AYES—Messrs. Benton, Evans, Freeman, Hamilton, Hartson, Haskin, Kutz, Leonard, Lovett, Maddox, McMurtry, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, and Wright—18.

NOES—Messrs. Buckley, Burnell, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Haswell, Hawes, Henry, Jones, Porter, Redington, Shafter, and Shepard—16.

So the bill was ordered engrossed and read third time.

At five o'clock and forty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 29th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read and approved.



## PETITIONS.

Mr. Crane presented a petition of caulkers, ship carpenters, and mechanics of San Francisco, asking the passage of a certain bill.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 72, entitled an Act to provide for the collection of certain moneys due this State, report the same back and recommend its passage as amended ;

Also, Assembly bill No. 147, an Act entitled an Act to transfer certain funds, and recommend that it be referred to the Committee on Contingent Expenses.

CUNNINGHAM, Chairman.

Senate bill No. 72, above reported, was, on motion of Mr. Smith, ordered printed, as amended by the Committee.

Assembly bill No. 147, above reported, was referred to the Committee on Contingent Expenses.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
January 28th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 107, an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one ;

Also, concurred in Senate concurrent resolution No. 22, relative to exportation of blasting powder to Mexico ;

Also, passed Assembly concurrent resolution No. 9, concerning disposition of lands of the Nome Lackee Reservation ;

Also, passed Assembly bill No. 145, an Act concerning roads and highways.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 29th, 1864. }

Mr. PRESIDENT :—The Assembly, on the twenty-eighth instant, passed Assembly bill No. 173, an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one ;

Also, this day, passed Senate bill No. 130, an Act to provide for the holding of a special term of the District Court in and for Trinity County.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 145, above reported, read first and second times, and referred to the Mariposa delegation.

Assembly concurrent resolution No. 9, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly bill No. 173, above reported, read first and second times, and referred to the Napa and Lake delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wright, for an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents.

Read first and second times, referred to the Committee on Public Lands, and the usual number of copies ordered printed.

By Mr. Pierce, for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and to repeal an Act amendatory thereof, passed March eighteenth, eighteen hundred and sixty-three.

Read first and second times, and placed on file

Mr. Gaskill moved to suspend the rules, and take up Senate concurrent resolution No. 1, relative to the seat held in the United States Senate by Honorable J. A. McDougall.

The motion prevailed, and the resolutions were taken up.

Substitute adopted.

Mr. Benton moved to amend as follows:

*Resolved*, That the Honorable J. A. McDougall be and he is hereby requested to resign his seat in the Senate of the United States, that California's voice may not be divided, but may be heard in the Councils of the Nation in the spirit of the determined loyalty of her patriotic people.

The amendment was lost.

Mr. Hawes offered the following amendment:

Amend by striking out all after the word "expression," in the second resolution, and inserting the words:

"That there was no room for mistake on that subject; that the loyal State of California has been especially misrepresented in the action of one of her Senators—Honorable James A. McDougall—on the admission of the Senators from the State of West Virginia to their seats in the United States Senate."

Mr. Porter offered a substitute for the resolutions.

Substitute lost.

On the question of the adoption of Mr. Hawes' amendment, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Freeman, and taken, with the following result:

AYES—Messrs. Foulke, Freeman, Hamilton, Hawes, McMurtry, Montgomery, Pierce, Rush, and Smith—9.

NOES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hall, Haswell, Haskin, Jones, Kutz, Maddox, Meyers, Moyle, Redington, Shafter, Shepard, Tuttle, and Wright—22.

So the amendment was lost.

Mr. Smith offered the following amendment :

*Resolved*, That the Governor of this State forward these resolutions, by copies, one to the Honorable J. A. McDougall, one to the President of the United States."

Amendment adopted.

Mr. Hawes offered the following amendment, as an additional resolution :

*"Resolved*, That the loyal State of California has been especially misrepresented in the action of one of her Senators—Honorable James A. McDougall—on the admission of the Senators from the State of West Virginia to their seats in the United States Senate."

On which amendment, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Foulke, and taken, with the following result :

AYES—Messrs. Foulke, Freeman, Hamilton, Hawes, Montgomery, Pierce, Rush, and Smith—8.

NOES—Messrs. Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hall, Haswell, Haskin, Jones, Kutz, Maddox, McMurtry, Moyle, Redington, Shafter, Shepard, Tuttle, and Wright—21.

So the amendment was lost.

Mr. Kutz offered the following amendment, taking place next to the last resolution :

*"Resolved*, That James A. McDougall could do nothing so acceptable to the people of this State as to immediately resign the seat which he holds from them in the United States Senate."

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Kutz, and Wright, and taken, with the following result :

AYES—Messrs. Crane, Dodge, Foulke, Gaskill, Haswell, Hawes, Haskin, Jones, Kutz, McMurtry, Porter, Redington, Shafter, and Wright—14.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Evans, Freeman, Hale, Hall, Hamilton, Maddox, Montgomery, Moyle, Pierce, Rush, Shepard, Smith, and Tuttle—18.

So the amendment was lost.

The question being on the adoption of the resolutions, the ayes and noes were demanded, by Messrs. Gaskill, Pierce, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Haswell, Haskin, Jones, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, Smith, Tuttle, and Wright—27.

NOES—Messrs. Freeman, Hamilton, Hawes, Montgomery, Pierce, and Rush—6.

So the resolutions were adopted.

Mr. Kutz, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 57, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three ;

Also, an Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California.

KUTZ, for Committee.

Mr. Kutz moved to take from its regular order on the file Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada.

The motion prevailed.

The bill was taken up, read third time, and passed.

Mr. Shafter moved to take up Senate bill No. 134, an Act in relation to the Probate Court in the City and County of San Francisco.

Motion prevailed.

The bill was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

At three o'clock and forty minutes P. M., on motion of Mr. Gaskill, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 30th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Indefinite leave of absence was granted Mr. Hartson. Leave for two days was granted to Master Grove Hunt, Page.

Journal of yesterday read, corrected, and approved.

Mr. Burnell spoke to a question of privilege, and had leave to record his vote in the affirmative on the passage of Senate concurrent resolutions No. 1, relative to the seat held in the United States Senate by Honorable J. A. McDougal.

Mr. Henry, also, had the same leave.



## PETITIONS.

Mr. Heacock presented a petition of the Bakers' Protective Union, of San Francisco, asking the passage of an Act preventing the delivery of bread to customers on the Sabbath.

Referred to the Committee on Public Morals.

Mr. Meyers presented a petition of citizens and tax payers of San Joaquin County.

Referred to the Committee on Agriculture.

Mr. Meyers presented a petition of the officers of the San Joaquin Valley Agricultural Association and others.

Referred to the Committee on Agriculture.

## REPORTS.

Mr. Evans, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Senate bill No. 138, an Act for the relief of Marcuse & Baltzer, have had the same under consideration, and report it back, with an amendment to the title, and recommend the passage of the bill as amended ;

Also, report in favor of the claims of John Byrnes and others, for work done and material furnished in fitting up Supreme Court rooms, Clerk's office, and Attorney-General's office, and recommend the passage of the accompanying bill, providing for the payment thereof ;

Also, have considered Senate bill No. 156, an Act for the relief of Isaac F. Baker, Tax Collector for District Number Four, in and for Tuolumne County, and recommend its passage ;

Also, have considered Senate bill No. 159, an Act to appropriate money to pay the claim of A. Blossom, and recommend its passage.

EVANS, for Committee.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—Your Committee on Commerce and Navigation, having carefully considered Senate bill No. 116, an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, ask leave to report the same back, and recommend its passage, with an amendment to section four, by striking out in line four the word " shall," and inserting " may ;" also, by striking out in the seventh line the word " seven," and inserting the word " three ;" and a further amendment to the same section by adding after the word " use," in the fifty-ninth line, an amendment herewith submitted. (marked A.)

Your committee also recommend two additional sections to the bill, which are submitted with this report, and, respectively, marked B and C.

PORTER,  
DODGE,  
WRIGHT,  
REDINGTON,  
HAMILTON.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 75, entitled an Act to provide for the disposition of moneys collected under an Act entitled an Act concerning passengers arriving in the ports of the State of California, approved May twelfth, eighteen hundred and fifty-two, and Acts amendatory thereof and supplemental thereto, report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 143, entitled an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co., and recommend its passage ;

Also, Senate bill No. 162, entitled an Act to amend section eighty-three of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred Assembly Bill No 94, entitled an Act to change the name of George Andrews Hatch to George Andrews Pavey, and confirm his adoption by William Henry Pavey, have considered the same and recommend its passage.

MADDOX, Chairman.

Mr. Hawes, of the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 141, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, beg leave to report the same back to the Senate, and recommend its indefinite postponement.

HAWES, for Delegation.

Mr. Redington, of the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three, report the same back, with amendments, and recommend its passage.

REDINGTON, for Delegation.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 21, and have delivered the same to the Secretary of State ;

Also, Senate bill No. 130, an Act to provide for the holding of a special term of the District Court in and for Trinity County ;

Also, Senate bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for purchase of lot and building, and making repairs :

Also, Senate bill No. 71, an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo.

And said bills were, this the thirtieth day of January, A. D. eighteen hundred and sixty-four, at eleven o'clock and forty-five minutes A. M., delivered to the Governor, for his approval.

MOYLE, Chairman.

Mr. Lovett, by leave, presented a report from the President and Treasurer of the Home for the Care of the Inebriate.

Referred to the Committee on Public Buildings, and the usual number of copies were ordered printed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30th, 1864.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 76, an Act providing for the time of holding the several Courts of record in the Tenth Judicial District ;

Also, Senate bill No. 64, an Act entitled an Act to confirm the election and official acts of Boards of Supervisors in the several counties of this State.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30th, 1864.

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 83, an Act concerning the Calaveras Mining Company.

It appears that the Calaveras Mining Company was incorporated for the purpose of working a mine in San Joaquin County—the county in which its principal place of business was located. Instead of filing its certificate of incorporation in San Joaquin County, it was filed in Calaveras County ; and under and by virtue of such informal and illegal incorporation the company has been transacting business since eighteen hundred and sixty. The Act in question proposes to permit the company to file a new certificate in San Joaquin, and continue its corporate powers ; but it goes further, and attempts to legalize all past acts of the company. As far as filing a new certificate, and making it a company *de jure*, is concerned, it is amply provided for by existing laws. The only real question to consider is, whether it is in the power of the Legislature to legal-

ize the acts and doings of a corporation which in itself had no legal existence at the time the acts were performed.

The Legislature is prohibited, by section 31, Article IV of the Constitution, from creating corporations by special Act, except for municipal purposes. The question arises, can the Legislature make valid the acts of a corporation without first making the corporation valid in law?

The Supreme Court of this State has held that "the existence of a corporation formed under a general statute requiring certain acts to be done before the corporation can be considered *in esse*, or its transactions be valid, must be proved by showing at least a substantial compliance with the requirements of the statute." (See *Mokelumne Hill Canal and Mining Company vs. Woodbury*, 14th Cal., 424.)

The omission of the corporation to file its certificate in the proper county would seem to be not a mere informality or irregularity which the Legislature might cure, but the necessary pre-requisite of such an incorporation.

This bill would render unnecessary, or rather attempt to cure, the want of that which was essential to bring into existence, or, in other words, to *create* a corporation, in law, which might have performed the acts attempted to be made valid.

Believing, as I do, that the bill referred to is repugnant to the spirit if not to the letter of the Constitution, I cannot, with due regard to my oath of office, give it my official sanction.

FRED'K F. LOW,  
Governor.

On motion of Mr. Hale, the message and bill were laid on the table.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 29th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven, approved April eighth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 148, an Act to authorize the Administrator of the estate of Maria Ygnacia Amador de Alvarado, deceased, to sell and convey real estate;

Also, passed Assembly bill No. 100, an Act to authorize the Board of Supervisors of Tulare County to allow the claim of Robert Glass;

Also, passed Senate bill No. 132, an Act to provide for opening and grading Huntoon street, in the Town of Oroville, from the Railroad Depot in said town, to Safford street;

Also, passed Assembly bill No. 177, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a special tax, for the purpose of improving and repairing the public highways connecting Napa City and Lakeport;

Also, passed Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's store, in Ione Valley, to the Town of Jackson, in the County of Amador;



Also, passed Assembly bill No. 187, an Act to change the name of James Kinsman;

Also, passed Assembly bill No. 155, an Act to authorize the issuance of a duplicate bond and certificate to Robert M. Irving;

Also, passed Assembly bill No. 180, an Act to fix the salary of the Superintendent of Common Schools of Placer County;

Also, passed Assembly bill No. 152, an Act for the relief of Mary Bowie.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 30th, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-seventh instant, passed Assembly bill No. 162, an Act to amend an Act entitled an Act to amend section eighty of an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-seventh, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 162, above reported, was read first and second times.

Pending the motion to suspend the rules and consider the bill now, the hour arrived for the consideration of the General File.

Mr. Shafter, by leave, presented a petition from mechanics and manufacturers of San Francisco, remonstrating against the repeal of the Act known as the Specific Contract Law.

Referred to the Committee on Federal Relations.

Mr. Kutz, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 18, an Act creating a Board of Commissioners to revise and codify the laws of the State;

Also, Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, 1851, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

KUTZ, for Committee.

Senate bill No. 47, above reported, was, on motion of Mr. Smith, ordered to top of file for Tuesday, February ninth.

Senate bill No. 18, above reported, was taken up, and placed upon its third reading.

Mr. Burnell moved to recommit the bill to Senator Heacock, with special instructions to strike out the second "proviso" in the eighth section.

Mr. Pierce moved to amend the instructions as follows:

Strike out the words "take the constitutional oath of office and the" in section six.

Amendment lost.

Mr. Montgomery offered the following as a substitute to the instructions: after the word "same," in the last line of said section, add the following:

"And in lieu of said pages, shall insert the 'Emancipation Proclamation' of President Lincoln and the Act of Congress known as the 'Confiscation Act.'"

On the adoption of which, the ayes and noes were demanded, by Messrs. Pierce, Crane, and Montgomery, and taken, with the following result :

AYES—Messrs. Crane, Cunningham, Dodge, Foulke, Hamilton, Montgomery, and Pierce—7.

NOES—Messrs. Buckley, Burnell, Cot, Evans, Gaskill, Hall, Heacock, Jones, Kutz, Leonard, Lovett, McMurtry, Rush, Smith, Tuttle, and Wright—16.

So the substitute was lost.

Mr. Gaskill now moved to amend the instructions by adding the "Emancipation Proclamation of September, eighteen hundred and sixty-two, and of January first, eighteen hundred and sixty-three."

On which, the ayes and noes were demanded, by Messrs. Gaskill, Crane, and Foulke, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Henry, Montgomery, and Porter—10.

NOES—Messrs. Burnell, Cot, Evans, Hall, Hamilton, Haswell, Heacock, Jones, Kutz, Leonard, Lovett, McMurtry, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—18.

So the amendment was lost.

The question being on recommitting the bill, with instructions, the ayes and noes were demanded, by Messrs. Montgomery, Lovett, and Gaskill, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Evans, Hamilton, Heacock, Leonard, McMurtry, Montgomery, Pierce, Smith, and Wright—11.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Haswell, Henry, Kutz, Lovett, Maddox, Porter, Rush, Shepard, and Tuttle—16.

So the motion to recommit was lost.

The question being on the final passage of the bill, the ayes and noes were demanded, by Messrs. Gaskill, Crane, and Dodge, and taken, with the following result :

AYES—Messrs. Evans, Hamilton, Heacock, Kutz, Leonard, Lovett, McMurtry, Montgomery, Shepard, Smith, and Wright—11.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Maddox, Pierce, Porter, Rush, and Tuttle—16.

So the Senate refused to pass the bill.

Mr. Hale, by leave, made the following report :

MR. PRESIDENT :—The undersigned, of the Committee of Conference upon the disagreeing vote upon the amendments to Senate concurrent resolution No. 13, report that we have attended to the duties devolved

upon us; that we met the Committee upon the part of the Assembly, when the following proceedings were had, and results attained:

*Resolution 1.* Senate Committee proposed to recede from Senate amendments to first resolution, on condition that the word "but," in third line, be stricken out, to which the Assembly Committee refused to agree. Assembly Committee agreed to strike out "and," in sixth line.

*Resolutions 3 and 4.* Senate Committee proposed to recede from Senate amendment to subdivisions three and four, but at the same time insisted that Senate amendment, striking out seventh resolution, should be agreed to. The Assembly Committee refused to agree to this proposition. To subdivision eight, Senate Committee proposed to amend so as to read, "We indorse the Legal Tender Law, and pledge ourselves to uphold it." Assembly Committee refused to abandon the original resolution, but proposed, as an independent subdivision, "We indorse the financial policy of the Government." The Senate Committee agreed to this independent proposition, but refused to recede from their amendment.

*Resolution 5.* Subdivision seven—Assembly Committee proposed to add the following words after the word "future," in line twenty, "in any part of the rebellious territory covered by the Emancipation Proclamation." Senate Committee accepted the above, *provided*, the words "present and future," in line twenty, were stricken out, to which Assembly Committee would not consent.

*Resolution 7.* Senate amendment rejected by Assembly Committee, and adhered to by Senate Committee.

*Resolution 8.* Subdivision ten—The Committees of the Senate and Assembly agreed to strike out all after the word "Union."

*Resolution 10.* Senate amendment to strike out the words in fifth line, "him to adopt," agreed to by your committee.

The undersigned regret that they were unable to agree with the Committee upon the part of the Assembly. They deem it proper to say, however, that many of the Senate amendments were rejected, not on account of their admissibility or want of merit, but for the reason that, as there were fundamental differences between the two Houses, not reconcilable, at least through this committee, it would be useless to undertake the task of assimilation upon minor details. We do not assign this as the sole or even principal reason for the final disagreement, but it doubtless accounts for the retention of some of the clauses which it was the object of the Senate to amend.

Your committee, therefore, recommend that the amendments agreed to by the Committee of Conference be adopted, and that the Senate insist upon the residue of its amendments.

J. McM. SHAFTER,  
J. E. HALE.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 30th, 1864. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate Bill No. 65, an Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for the purchase

of a lot and building adjoining the City Hall in said city and county, and for alterations and repairs thereof;

I have to inform your honorable body that I have approved Senate bill No. 130, an Act to provide for the holding of a special term of the District Court in and for Trinity County.

FRED'K F. LOW,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 30th, 1864. }

Mr. PRESIDENT :—The Assembly has this day passed Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada;

Also, passed Assembly concurrent resolution No. 24, authorizing the appointment of a joint committee to ascertain if proper use was made of the appropriation for the relief of the widow of the late Colonel Roderick Matheson;

Also, this day passed Senate bill No. 137, an Act to legalize the assessments of taxes in the County of Amador.

R. H. DALY,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 180, above reported, was read first and second times, and referred to the Placer delegation.

Assembly bill No. 148, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 132, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 100, above reported, was read first and second times, and referred to the Tulare delegation.

Assembly bill No. 187, above reported, was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 155, above reported, was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 177, above reported, was read first and second times, and referred to the Napa and Lake delegation.

Assembly bill No. 152, above reported, was read first and second times, and referred to the Committee on Claims.

Assembly concurrent resolution No. 24, above reported, was laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Evans, for an Act to authorize Thomas Cutler, D. M. Kenfield, John Sedgwick, and their associates and assigns, to construct and maintain a toll road in the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.



Mr. Meyers moved to include the delegation from San Joaquin to which the bill be referred.

Motion carried.

On motion of Mr. Porter, the vote by which the above bill was referred was reconsidered, and the bill referred to the Committee on Roads and Highways.

By Committee on Claims, for an Act to appropriate money to pay the claims of John Byrnes, and others, for material furnished and labor performed in fitting up the Supreme Court rooms, Judges' chambers, Clerk's office, and Attorney-General's office.

Read first and second times, and placed on file.

By Mr. Meyers, for an Act to authorize the Board of Supervisors of San Joaquin County to levy and collect a special tax for the liquidation of the remaining debt of the San Joaquin Valley Agricultural Society.

Read first and second times, and referred to the Committee on Agriculture.

Also, for an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Heacock, for an Act relative to the office of District Attorney of the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Also, for an Act to prohibit the furnishing and delivery of bread and other articles on the Sabbath.

Read first and second times, and referred to the Committee on Public Morals.

Also, for an Act amendatory of and supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the various Acts amendatory of and supplemental to the same.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act to regulate proceedings on motions for new trial, or in arrest of judgment, and on appeal, in criminal cases in Justices', Recorders', Mayors', and Probate Courts.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act for the relief of the State Agricultural Society.

Read first and second times, and referred to the Sacramento delegation.

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—Your Committee on Swamp and Overflowed Lands, to whom was recommitted Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act for the reclamation and segregation of Swamp, Overflowed, Salt Marsh, and Tide Lands donated to the State by Act of Congress, approved April eleventh, eighteen hundred and sixty-two, having had the same under consideration,

made amendments to section first, after eleventh line, and word "district," and likewise section second, forty-third line, after word "amount," to read as the amendments so attached to the different sections, your committee beg leave to report the same back with said amendments, and recommend their passage as amended.

HALL, Chairman.

Senate bill No. 87, above reported, was taken up, considered as in Committee of the Whole, reported back with amendments, amendments concurred in in Senate, bill ordered engrossed, and read third time.

On motion of Mr. Porter, Senate bill No. 116, an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks, and water front of the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, was made the special order for two o'clock P. M., on Wednesday next, February third.

On motion of Mr. Moyle, Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof, was taken up—considered as in Committee of the Whole, and reported back with amendments.

On concurring in the amendments made in committee, the ayes and noes were demanded, by Messrs. Crane, Buckley, and Cunningham, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Dodge, Evans, Gaskill, Kutz, Leonard, Lovett, Maddox, McMurtry, Montgomery, Pierce, Rush, Shepard, and Wright—16.

NOES—Messrs. Benton, Crane, Cunningham, Foulke, Hale, Hamilton, Haswell, and Jones—8.

So the amendments were concurred in in Senate.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Crane, Hale, and Foulke, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Dodge, Evans, Foulke, Hamilton, Haswell, Kutz, Leonard, Lovett, Maddox, Montgomery, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—18.

NOES—Messrs. Buckley, Crane, Cunningham, Gaskill, Hale, Hall, McMurtry, and Porter—8.

So the bill was ordered engrossed and read third time.

On motion of Mr. Haswell, the Committee on Hospitals were granted two days leave of absence.

At four o'clock and fifteen minutes P. M., on motion of Mr. Gaskill, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 1st, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Leave of absence for two days was granted to Mr. Lovett; also, for one day each, to Messrs. Freeman, Moyle, and Redington.

Journal of Saturday last was read and approved.

## PETITIONS.

Mr. Smith presented a petition of citizens of that portion of this State lying east of the Sierra Nevada Mountains, asking the settlement of the boundary line, etc.

Referred to the Committee on Public Lands.

Mr. Smith presented a petition of citizens of Butte County relative to the waste of timber.

Referred to the Committee on Public Lands.

## REPORTS.

Mr. Maddox, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon ;

Also, Senate bill No. 104, an Act to repeal a certain Act ;

Also, Senate bill No. 134, an Act in relation to the Probate Court in the City and County of San Francisco ;

Also, Senate bill No. 15, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof ;

Also, Senate concurrent resolution No. 23, relative to Swamp and Overflowed lands.

MADDOX, for Committee.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Assembly bill No. 130, an Act to grant the right to construct a turnpike road between the Town of Pine Grove and a point on the road leading up the Middle Fork of Jackson Creek, about one and three fourths miles above the Town of Jackson, in Amador County, having had the same under consideration, report the same back, with amendments, and recommend its passage as amended.

LEONARD, Chairman.

Mr. Smith made the following report :

MR. PRESIDENT :—The minority of your Committee of Free Conference on Assembly concurrent resolutions No. 13, beg leave to report as follows : That, in the opinion of the minority of Senate committee, the Assembly Committee were not met in that spirit of compromise that should characterize such subjects and such occasions ; that there were no concessions made on the part of the majority of Senate Committee that did not require a surrender of vital principle as a condition of such concession. The minority of your committee fully concurs in the report of the Assembly Committee. The Assembly Committee concurred with the Senate Committee in the propriety of striking out the words " him adopt," in line five of resolution ten. As to the remaining Senate amendments, the Senate Committee would only yield on conditions of such surrender of principle on the part of the Assembly Committee as, in the opinion of the minority of your committee, would destroy the intent and purport of the resolutions sought to be amended. The majority of the Senate Committee persistently refused to recede from the Senate amendment striking out seventh resolution. To this proposition the Assembly Committee would not agree, and, in the opinion of the minority of your committee, they acted wisely in so refusing.

In conclusion, the minority of your committee respectfully recommends that the Senate recede from all amendments made to said resolutions, save those that have the concurrence of the Assembly. Your committee do not deem that in so doing the Senate will make any departure from duty or dignity, but that in such concession the former will be served and the latter maintained.

SMITH,  
Minority Senate Committee of Free Conference.

Mr. Burnell, Chairman of the Committee of Free Conference, made the following report :

MR. PRESIDENT :—Your Committee of Free Conference on the disagreeing vote of the two Houses on Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, passed April twentieth, eighteen hundred and sixty-three, recommend that the Senate concur in the Assembly amendment.

BURNELL,  
SMITH,  
CRANE,  
Senate Committee.  
TEARE,  
WRIGHT,  
CAMPBELL,  
Assembly Committee.

The report was adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,  
February 1st, 1864. }

MR. PRESIDENT :—The Assembly, on the twenty-sixth ultimo, passed



Assembly bill No. 161, an Act to confer the powers of Commissioners of Deeds, for the time being, upon certain officers of the army of the United States ;

Also, on the twenty-ninth ultimo, passed Assembly bill No. 192, an Act to confer further powers upon the Common Council of the City of San José.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 161, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 192, above reported, was read first and second times, and referred to the Santa Clara delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts, for an Act providing for the times of holding the County Court and Probate Court in Nevada County.

Read first and second times, and placed on file.

By Mr. Heacock, for an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turn-pike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

On motion of Mr. Cot. Senate bill No. 92, an Act to fix the bonds of the Treasurer of the County of Santa Barbara, was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted immediately to the Assembly.

Mr. Leonard moved to take from the table Senate bill No. 20, an Act creating a Board of Commissioners to revise and codify the laws of the State.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Foulke, and Crane, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Heacock, Kutz, Leonard, McMurtry, Montgomery, Pierce, Rush, Shepard, Smith, and Tuttle—12.

NOES—Messrs. Crane, Cunningham, Dodge, Foulke, Gaskill, Hamilton, Maddox, Porter, and Roberts—9.

So the bill was taken up.

Mr. Gaskill moved to indefinitely postpone the bill.

Mr. Smith offered the following amendment to section one :

Strike out said section, and insert in place thereof :

“SECTION 1. The Legislature shall meet in Joint Convention, in the Assembly Chamber, on some day to be fixed by concurrent resolution, after the passage of this Act, for the purpose of electing three persons to codify and revise the laws of this State, and the persons so elected shall, after their election, be and are hereby constituted a Board of Code Commissioners, and said Board, or a majority thereof, shall have the

power and shall perform the duties hereinafter provided. Said board shall commence the performance of the duties required by this Act on or before the first Monday of May, eighteen hundred and sixty-three."

Pending the consideration of the bill, the hour arrived for the consideration of the General File.

Mr. Burnell moved that the consideration of the General File be postponed until after the bill before the Senate be disposed of.

On which motion, the ayes and noes were demanded, by Messrs. Roberts, Crane, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Heacock, Jones, Kutz, Leonard, McMurtry, Montgomery, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—13.

NOES—Messrs. Crane, Cunningham, Foulke, Gaskill, Hale, Hamilton, Henry, Porter, and Roberts—9.

So the motion was lost.

#### GENERAL FILE.

Senate bill No. 88, an Act concerning the notice of assessment and sale of mining stocks—returned to foot of the file.

Assembly bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County—read third time, and passed.

Assembly bill No. 91, an Act to change the name of James Fitzpatrick—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 127, an Act amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 71, an Act to provide for the collection of delinquent taxes in the County of Sierra—returned to file.

Assembly bill No. 84, an Act to prevent trespassing of animals in Santa Barbara County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill read third time, and passed, and the title amended.

Assembly bill No. 89, an Act in relation to the office of Assessor of the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Mr. Gaskill moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Heacock, Dodge, and Cot, and taken, with the following result :

AYES—Messrs. Gaskill, Henry, Kutz, and Pierce—4.

NOES—Messrs. Benton, Cot, Crane, Cunningham, Dodge, Hale, Hall, Heacock, Jones, Roberts, and Rush—11.

So the Senate refused to adjourn.

Assembly bill No. 110, an Act to amend section two of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed April fourteenth, eighteen hundred and sixty-three—considered

as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 128, an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendment, amendment concurred in, read third time, and passed.

Senate bill No. 69, an Act in relation to county seats.

Pending the consideration of the above bill, the time for the consideration of the General File having transpired, Mr. Leonard called for the regular order of business.

Mr. Montgomery, from the Committee on Enrolment, by leave, made the following report :

Mr. PRESIDENT :—Your Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 107 ;

Also, Senate concurrent resolution No. 22.

MONTGOMERY, for Committee.

Mr. Hale, by leave, made the following report :

Mr. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 180, have had the same under consideration, and herewith report the same back, with a recommendation that said bill be passed.

HALE,  
YULE.

The consideration of Senate bill No. 20 was resumed.

Mr. Smith's amendment to section one was adopted.

The question being on the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Wright, Gaskill, and Crane, and taken, with the following result :

AYES—Messrs. Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Henry, Porter, and Roberts—11.

NOES—Messrs. Benton, Burnell, Cot, Heacock, Kutz, Leonard, McMurtry, Montgomery, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—14.

So the motion was lost.

The bill was considered as in Committee of the Whole, and reported back without amendment.

Mr. Leonard moved to suspend the rules, consider the bill engrossed, and place it upon its final passage.

On which motion, the ayes and noes were demanded, by Messrs. Crane, Cunningham, and Gaskill, and taken, with the following result :

AYES—Messrs. Benton, Heacock, Kutz, Leonard, McMurtry, Montgomery, Pierce, Rush, Shepard, Smith, Tuttle, and Wright—12.

NOES—Messrs. Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Henry, Porter, and Roberts—12.

So the motion was lost.

The question being on ordering the bill engrossed and read third time,

the ayes and noes were demanded, by Messrs. Crane, Gaskill, and Dodge, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Crane, Heacock, Kutz, Leonard, McMurry, Montgomery, Pierce, Roberts, Rush, Shepard, Smith, Tuttle, Wright, and Yule—14.

NOES—Messrs. Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Henry, and Porter—9.

So the bill was ordered engrossed and read third time.

Mr. Burnell moved to reconsider the vote by which the Senate just ordered the above bill engrossed.

On which motion, the ayes and noes were demanded, by Messrs. Crane, Burnell, and Leonard, and taken, with the following result :

AYES—Messrs. Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Hamilton, Porter, and Roberts—9.

NOES—Messrs. Burnell, Cot, Dodge, Heacock, Kutz, Leonard, McMurry, Montgomery, Pierce, Rush, Shepard, Smith, Tuttle, Wright, and Yule—15.

So the motion was lost.

Mr. Montgomery offered the following resolution :

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to procure Assistants, at the usual per diem allowed by law, whenever, in the opinion of the Enrolling Committee, such Assistants are required.

Adopted.

At three o'clock and ten minutes P. M., on motion of Mr. Leonard, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 2d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Dwinelle.

Indefinite leave of absence was granted to Mr. Hale.

Journal of yesterday read and approved.

Mr. Yule spoke to a question of privilege.

Mr. Dodge presented a petition of holders of Swamp Land certificates.



Referred to the Committee on Swamp and Overflowed Lands.

#### REPORTS.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Assembly bill No. 107, an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, having had the same under consideration, report it back, and recommend its passage.

LEONARD, Chairman.

Mr. Freeman made the following report :

MR. PRESIDENT :—Your special committee, to whom was referred Assembly bill No. 100, an Act to authorize the Board of Supervisors of Tulare County to allow the claim of Robert Glass, have considered the same, report it back to the Senate, and respectfully recommend its passage.

FREEMAN, for Delegation.

Mr. Heacock made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 176, an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, report the same back without amendment, and recommend its passage.

HEACOCK, for Delegation.

Mr. McMurtry made the following report :

MR. PRESIDENT :—The Santa Clara delegation, having had under consideration Assembly bill No. 192, an Act to confer further powers upon the Common Council of the City of San José, report the same back, and recommend its passage.

McMURTRY, for Delegation.

Mr. Tuttle made the following report :

MR. PRESIDENT :—The San Diego delegation respectfully report that they have had under consideration Senate bill No. 85, an Act to amend an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourteenth, eighteen hundred and fifty-five, and recommend its indefinite postponement.

TUTTLE, for Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 1st, 1864. }

Mr. PRESIDENT :—The Assembly has, this day, passed Senate bill No.

79, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and all other Acts amendatory ;

Also, passed Senate bill, No. 92, an Act to fix the bonds of the Treasurer of Santa Barbara County ;

Also, passed Senate bill No. 134, an Act in relation to the Probate Court in the City and County of San Francisco ;

Also, passed Assembly bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three ;

Also, passed Assembly bill, No. 160, an Act to amend an Act in reference to corporations organized for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one ;

Also, adopted the report of the Conference Committee on Senate bill No. 53, recommending the Senate to concur in Assembly amendments to said bill.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 101, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 160, above reported, read first and second times, and placed on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Shafter, for an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act amendatory of and supplemental to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to fix the terms of the County and Probate Courts of the County of Sacramento.

Read first and second times, and placed on file.

## REPORTS.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report :

MR. PRESIDENT :—The Committee on Mileage report forty-seven dollars and eighty cents due Senators Roberts, Heacock, and Dodge, each, as mileage for travelling to and from the Deaf, Dumb, and Blind Asylum, while in the performance of committee duties. The committee, therefore, recommend the adoption of the accompanying resolution :

*Resolved.* That forty-seven dollars and eighty cents, payable out of the Contingent Fund of the Senate, be allowed to Senators Roberts, Heacock, and Dodge, each, as mileage for travelling to and from the Deaf, Dumb, and Blind Asylum, while in the discharge of committee duties.

KUTZ, Chairman.

Resolution adopted.

On motion of Mr. Crane, the annual report of the State Reform School, and the annual report relative to the establishment of a State University, were referred to the Committee on Education.

Mr. Shafter offered the following :

Amend by striking out of Minority Report of Committee of Conference upon Assembly concurrent resolution No. 13, in line six and following, the following words : " The Assembly committee were not met in that spirit of compromise that should characterize such subjects and such occasions, that—"

Laid on the table.

Mr. Kutz, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof.

KUTZ, for Committee.

## GENERAL FILE.

Senate bill No. 69, an Act in relation to county seats—indefinitely postponed.

Senate bill No. 109, an Act for the relief of José Arnaldo Marquez—by leave of Senate, the bill was withdrawn by Mr. Cot, (the author.)

Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight—amendments as recommended by committee adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight, approved March eighth, eighteen hundred and sixty—amendments as

recommended by committee adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 115, an Act to incorporate the Town of Santa Barbara—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 135, an Act relating to powers of attorney—amendments as reported by committee adopted, considered as in Committee of the Whole, reported back without amendments, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 81, an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, A. D. eighteen hundred and fifty-seven—read third time, and passed.

Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property—read third time, and passed.

Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—recommitted to the Committee on Corporations.

Senate bill No. 16, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, and to repeal all other Acts on the same subject, passed April twenty-seventh, eighteen hundred and sixty-three—substitute adopted, considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 47, an Act to amend section one of an Act entitled an Act to authorize the Treasurer of Alameda County to collect the taxes of said county, approved April twentieth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 65, an Act to authorize the Controller of State to issue duplicate warrants to Amos Adams—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 154, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—substitute adopted, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 151, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four—referred to the Finance Committee.

Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof—read third time, and passed.

Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers—read third time, and passed.

Assembly bill No. 46, an Act to authorize mining companies to change their place of business—Senate substitute adopted, considered as in Committee of the Whole, read third time, and passed.

Senate bill No. 86—returned to the file.

Senate bill No. 150, an Act to amend an Act entitled an Act concern-



ing the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 67, an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-two, and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 48, an Act concerning officers—amendment, as recommended by Committee, adopted.

On motion of Mr. Wright, the bill was ordered to top of the file for Thursday, February fourth.

Assembly bill No. 153, an Act to regulate the revenue from civil actions in Courts of record in the counties of this State—indefinitely postponed.

Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two—considered as in Committee of the Whole, and, pending consideration, ordered to top of file for Wednesday, February tenth.

Mr. Wright offered the following resolution :

*Resolved.* That the Journal Clerk of the Senate be and is hereby authorized to employ an Assistant, at the per diem allowed by law to Copying Clerks, to date from February first, eighteen hundred and sixty-four.

Mr. Henry moved to amend by striking out the words "allowed by law to Copying Clerks," and insert in place thereof the words "of five dollars."

Amendment carried.

Resolution, as amended, adopted.

Mr. Shafter now moved to take up the amendment offered by him this morning, to amend the minority report of the Committee of Conference on Assembly concurrent resolutions No. 13.

Motion carried.

The question being to strike out from the above mentioned report the words "the Assembly Committee were not met in that spirit of compromise that should characterize such subjects and such occasions, that" the vote was taken and the words stricken out.

Mr. Moyle moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Dodge, Crane, and Heacock, and taken, with the following result :

AYES—Messrs. Cot, Freeman, Hamilton, Maddox, Montgomery, Moyle, Pierce, Rush, and Smith—9.

NOES—Messrs. Benton, Crane, Cunningham, Dodge, Heacock, Kutz, Leonard, McMurtry, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, Wright, and Yule—16.

[ So the motion was lost.

Mr. Roberts offered the following resolution :

*Resolved*, That the Engrossing Clerk of the Senate be and is hereby authorized to employ an Assistant or Assistants, at the usual per diem allowed by law, when, in the opinion of the Committee on Engrossment, the same may be required.

Adopted.

#### GENERAL FILE RESUMED.

Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two—ordered to the bottom of file.

Senate bill No. 155, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—returned to file.

Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County—amendment recommended by the committee adopted, considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 165, an Act in relation to the Board of Education of the City of Sacramento—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 171, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and to repeal an Act amendatory thereof, passed March eighteenth, eighteen hundred and sixty-three.

On motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Pierce, Crane, and Dodge, and taken, with the following result :

**AYES**—Messrs. Benton, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Jones, Kutz, Leonard, Maddox, McMurtry, Meyers, Moyle, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—22.

**NOES**—Messrs. Cot, Freeman, Heacock, Montgomery, Pierce, Porter, and Rush—7.

So the bill was indefinitely postponed.

At four o'clock P. M., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Wednesday, February 24, 1864.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Brincliffe.

Leave of absence for three days was granted to Mr. Smith, and for one day to Mr. Buckley.

Journal of yesterday read and approved.

## PETITIONS.

Mr. France presented a petition of citizens of Petaluma, relative to the log law.

Referred to the Senate Committee.

Mr. Tule presented a petition of citizens of the County of San Bernardino asking that George W. Lee may construct a wagon road.

Referred to the Committee on Roads and Highways.

## REPORTS.

Mr. Henry made a verbal report recommending the passage of Assembly bill No. 147, an Act to transfer certain lands.

Mr. May, Chairman of the Committee on Railroads, made the following report:

Mr. President:—The Committee on Railroads have examined, and found correctly amended, Senate bill No. 112, an Act to provide for opening and grading Harrison street in the Town of Oroville, from the Railroad Depot at said town, to Sefton street.

Also, Senate bill No. 96, an Act to extend the time for completing the turnpike road leading from Decker's store in Lone Valley, to the Town of Jackson, in the County of Amador;

Also, Senate bill No. 117, an Act to regulate the assessment of taxes in the County of Amador;

Also, Senate bill No. 116, an Act to fix the bond of the Treasurer of Santa Barbara County;

And said bills were, on the second day of February, A. D. eighteen hundred and sixty-four, at four o'clock P. M. referred to the Governor for his approval.

MOYLE, Chairman.

Mr. Folwell, Chairman of the Committee on Engrossment, made the following report:

Mr. President:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 26, an Act creating a Board of Commissioners to revise and codify the laws of this State;

Also, Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act for the reclamation and segregation

of Swamp, Overflowed, Salt Marsh, and Tide Lands donated to the State by Act of Congress, approved April eleventh, eighteen hundred and sixty-two.

ROBERTS, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred Assembly bill No. 187, an Act to change the name of James Kinsman, report the same back, and recommend its passage.

MADDOX, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, having had under consideration Assembly bill No. 85, an Act for the relief of W. B. Latham, Jr., report the same back, and recommend that it be indefinitely postponed.

JONES, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Senate bill No. 110, an Act to authorize the Board of Supervisors of Sierra County to construct a wagon road, and provide for the payment of the same, having had the same under consideration, report it back with amendments, and recommend its passage as amended.

LEONARD, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 98, an Act supplemental to an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the Acts amendatory thereof and supplemental thereto, having had the same under consideration, report it back with a substitute, and recommend the passage of the substitute ;

Also, Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three, report the same back amended, and recommend its passage as amended ;

Also, Senate bill No. 152, an Act to amend an Act entitled an Act concerning Attorneys and Counsellors at law, passed February nineteenth, eighteen hundred and fifty-one, report the same back, and recommend its passage ;

Also, Senate bill No. 124, an Act taxing alien Chinese for the purpose of sustaining police regulations in the several counties of this State, report the same back without recommendation ;

Also, Senate bill No. 127, an Act amendatory of the Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same, report the same back, and recommend its passage ;



Also, Assembly bill No. 161, an Act to confer the powers of Commissioners of Deeds for the time being upon certain officers of the army of the United States, report the same back, and recommend its passage;

Also, Assembly bill No. 148, an Act to authorize the Administrator of the estate of Maria Ygnacia Amador de Alvarado, deceased, to sell and convey real estate, report the same back, and recommend its passage;

Also, Assembly bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven, approved April eighth, eighteen hundred and sixty-three, report the same back, and recommend its passage;

Also, Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five, report the same back, and recommend its passage;

Also, Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations, and to provide the members thereof with homesteads or lots of land suitable for homesteads, passed May twenty-eighth, eighteen hundred and sixty-one, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 166, an Act concerning the District Courts of this State, report the same back amended, and recommend its passage as amended.

SHAFTER, for Committee.

Mr. Montgomery made the following report:

MR. PRESIDENT:—The delegation from Mariposa County, to whom was referred Assembly bill No. 145, report the same back, with the recommendation that it do not pass. And the delegation assigns as reasons for such recommendation, that the Act of April tenth, eighteen hundred and sixty-two, which this bill proposes to repeal, was passed at the urgent solicitations of the whole people of Mariposa County, that a repeal of the same will be contrary to their wants and wishes, and that the present bill makes no adequate and proper provision for the collection of road taxes, and the supervision of the public roads in said county.

MONTGOMERY, for Delegation.

Mr. Heacock, from the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 178, an Act for the relief of the Agricultural Society, report the same back, with a substitute, and recommend the passage of the substitute.

BENTON,  
HEACOCK.

Mr. Redington made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred

Senate bill No. 139, an Act to re-district the City and County of San Francisco, report the same back, with amendments, and recommend its passage as amended.

REDINGTON, for Delegation.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 2d, 1864. }

Mr. PRESIDENT:—The Assembly, on the thirtieth ultimo, passed Assembly bill No. 178, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, this day, passed Assembly bill No. 105, an Act granting the right of way over certain lands in this State in the Counties of Lake and Sonoma, for the construction of a wagon road;

Also, this day, concurred in Senate amendment to Assembly bill No. 128, an Act amendatory of an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, this day, concurred in Senate amendments to Assembly bill No. 84, an Act to prevent the trespassing of animals upon private property in the County of Santa Barbara.

R. H. DALY,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 105, above reported, read first and second times, and referred to the Sonoma and Napa delegations.

Assembly bill No. 178, above reported, read first and second times, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pierce, for an Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Sonoma delegation.

Also, for an Act concerning the Sonoma Land Company.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Benton, for an Act supplementary to an Act to provide for the maintenance and supervision of Common Schools, approved April sixth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on State Library.

## GENERAL FILE.

Senate bill No. 70, an Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California—read third time, and passed.

Senate bill No. 57, an Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three—committee amendments adopted, the bill considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 138, an Act entitled an Act for the relief of Marcuse and Baltzar—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the title amended.

Senate Bill No. 159, an Act to appropriate money to pay the claim of A. Blossom—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 162, an Act to amend section eighty-three of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Gaskill, Cunningham, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Cunningham, Foulke, Freeman, Gaskill, Hamilton, Heacock, Henry, Jones, Lovett, Maddox, Roberts, Shafter, Tuttle, Wright, and Yule—18.

NOES—Messrs. Dodge, Evans, Hall, Haswell, Haskin, Kutz, McMurry, Meyers, Montgomery, Moyle, Porter, Redington, Rush, and Shepard—14.

So the bill was indefinitely postponed.

Assembly bill No. 75, an Act to provide for the disposition of moneys collected under an Act entitled an Act concerning passengers arriving in the ports of the State of California, approved May twelfth, eighteen hundred and fifty-two, and Acts amendatory thereof and supplemental thereto—bill amended.

The motion to indefinitely postpone was lost, considered as in Committee of the Whole, reported back with amendment, amendment concurred in.

Mr. Redington moved to further amend section one, line ten, by striking out the word "April" and inserting the word "March."

Amendment adopted.

Mr. Dodge moved to reconsider the vote by which the Senate adopted



the amendment to section two, by striking out "July" and inserting "March."

On which motion, the ayes and noes were demanded, by Messrs. Burnell, Dodge, and Hall, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Dodge, Freeman, Hall, Hamilton, Heacock, Haskin, Jones, Kutz, Meyers, Porter, Redington, Roberts, Rush, and Shafter—16.

NOES—Messrs. Benton, Cot, Foulke, Gaskill, McMurtry, Pierce, and Yule—7.

So the motion was reconsidered

The question being on the adoption of the amendment, to wit: to strike out the word "July," and insert in place thereof the word "March," in section two—amendment lost.

Mr. Shafter now moved to strike out of line nine, section one, the words "on and."

Amendment adopted.

The bill read third time.

On the passage, the ayes and noes were demanded, by Messrs. Pierce, Freeman, and Roberts, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Dodge, Foulke, Gaskill, Henry, Haskin, Jones, McMurtry, Redington, and Yule—11.

NOES—Messrs. Cot, Cunningham, Evans, Freeman, Hall, Hamilton, Heacock, Kutz, Pierce, Porter, Roberts, Rush, Shafter, and Shepard—14.

So the Senate refused to pass the bill.

Mr. Evans gave notice of reconsideration.

Assembly bill No. 94, an Act to change the name of George Andrews Hatch to George Andrews Pavey, and confirm his adoption by William Henry Pavey—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 156, an Act for the relief of Isaac F. Baker, Tax Collector for District Number Four in and for Tuolumne County—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 183, an Act to appropriate money to pay the claims of John Byrnes and others, for materials furnished and labor performed in fitting up the Supreme Court rooms, Judges' chambers, Clerk's office, and Attorney-General's office—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

On motion of Mr. Montgomery, Assembly bill No. 145, an Act concerning roads and highways, was taken up.

On motion to refer to the Committee on Roads and Highways, the ayes and noes were demanded, by Messrs. Gaskill, Dodge, and Yule, and taken, with the following result :

AYES—Messrs. Benton, Crane, Cunningham, Dodge, Gaskill, Haswell, Jones, Maddox, Porter, Roberts, Shafter, Wright, and Yule—13.

NOES—Messrs. Burnell, Cot, Evans, Foulke, Freeman, Hall, Hamilton, Heacock, Haskin, McMurtry, Montgomery, Moyle, Pierce, Rush, Shepard, and Tuttle—16.



So the motion to refer was lost.

The bill ordered to top of file for Friday, February fifth.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Senate bill No. 116, (the special order,) an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three—considered as in Committee of the Whole, amended, and made special order for February fourth, at two o'clock, P. M.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 115, an Act to incorporate the Town of Santa Barbara.

ROBERTS, Chairman.

At four o'clock and fifteen minutes P. M., on motion of Mr. Roberts, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 4th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Maddox, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 165, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County;

Also, Senate bill No. 165, an Act in relation to the Board of Education of the City of Sacramento.

MADDOX, for Committee.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—Your Committee on Public Lands have had under consideration Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents, and respectfully report the same back, with the recommendation that it pass.

WRIGHT, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 3d, 1864. }

MR. PRESIDENT :—The Assembly, on the twenty-ninth ultimo, passed Assembly bill No. 191, an Act concerning the records of the District Court of the Seventh Judicial District in and for Solano County ;

Also, same day, passed Assembly bill No. 197, an Act to provide for assessing and collecting taxes in Alameda County.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 191, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 197, above reported, was read first and second times, and referred to the Alameda delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act concerning the office of Auditor of the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Also, for an Act to authorize the Board of Supervisors of the County of Sacramento to pay certain claims.

Read first and second times, and referred to the Sacramento delegation.

Also, for an Act to amend an Act for the encouragement of Agriculture and Manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Leonard, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Buckley, for an Act supplementary to an Act entitled an Act to establish a Female Department in the County Jail of the City and

County of San Francisco, approved April eighth, eighteen hundred and sixty-three.

Read first and second times, and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Porter offered a concurrent resolution relative to State Geologist. Adopted.

Mr. Yule moved to take from the table the Majority and Minority Reports of the Committee of Conference on Assembly concurrent resolutions No. 13.

On which, the ayes and noes were demanded, by Messrs. Yule, Foulke, and Leonard, and taken, with the following result :

AYES—Messrs. Benton, Foulke, Freeman, Haswell, Kutz, Maddox, Roberts, Tuttle, Wright, and Yule—10.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Hamilton, Haskin, Jones, Leonard, Lovett, McMurry, Meyers, Montgomery, Moyle, Pierce, Redington, Rush, Shafter, and Shepard—23.

So the motion was lost.

#### GENERAL FILE.

Senate bill No. 48, an Act concerning officers.

Mr. Roberts moved to place the bill at top of file for Thursday, February eleventh.

On which motion, the ayes and noes were demanded, by Messrs. Wright, Pierce, and Jones, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hamilton, Haswell, Kutz, Maddox, McMurry, Montgomery, Moyle, Pierce, Roberts, Rush, Shafter, and Yule—19.

NOES—Messrs. Benton, Burnell, Crane, Evans, Hall, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Meyers, Shepard, and Wright—14.

So the bill was so placed.

Senate bill No. 72, an Act to provide for the collection of certain moneys due this State—ordered to top of the file for Friday, February twelfth.

Senate bill No. 141, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned—indefinitely postponed.

Senate bill No. 143, an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co.—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 162, an Act to amend an Act entitled an Act to amend section eighty of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 15, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof—read third time, and passed.

Senate bill No. 104, an Act to repeal a certain Act—read third time, and passed, and title amended.

Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon—read third time, and passed.

Assembly bill No. 130, an Act to grant the right to construct a turnpike road between the town of Pine Grove and a point on the road leading by the Middle Fork of Jackson Creek, about one and a quarter miles above the Town of Jackson, in Amador County—considered as in Committee of the Whole, reported back with amendment, amendment concurred in, read third time, and passed.

Senate bill No. 182, an Act to provide for the time of holding the County Court and Probate Court in the County of Nevada—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 183, an Act amendatory of and supplemental to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 180, an Act to fix the salary of the Superintendent of Common Schools of Placer County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 71, an Act to provide for the collection of delinquent taxes in Sierra County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 88, an Act concerning the notice of assessment and sale of mining stocks—laid on the table.

Mr. Haskin was granted three days leave of absence.

Assembly bill No. 192, an Act to confer further powers upon the Common Council of the City of San José—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 107, an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof—read third time, and passed.

Senate bill No. 85, an Act to amend an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five—indefinitely postponed.

Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.



Assembly bill No. 100, an Act to authorize the Board of Supervisors of Tulare County to allow the claim of Robert Glass—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 160, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—referred to the Committee on Corporations.

Senate bill No. 186, an Act amendatory of and supplementary to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Senate bill No. 187, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a road and build a bridge across Butte Creek Slough—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Senate bill No. 146—returned to the file.

Senate bill No. 155, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—substitute adopted.

The Senate was considering the substitute, when Mr. Porter raised a point of order, to wit: that a substitute to a bill had to be read first and second times after adoption.

The Chair decided the point of order not well taken.

Mr. Porter appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was taken, and the Chair sustained.

The bill was considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Senate bill No. 20, an Act creating a Board of Commissioners to revise and codify the laws of this State.

Mr. Crane moved that the bill be indefinitely postponed.

On which, the ayes and noes were demanded, by Messrs. Wright, Yule, and Evans, and taken, with the following result:

**AYES**—Messrs. Buckley, Crane, Dodge, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Haswell, Maddox, Meyers, Moyle, Porter, Redington, and Shafter—16.

**NOES**—Messrs. Benton, Burnell, Cot, Evans, Heacock, Jones, Kutz, Leonard, Lovett, McMurtry, Pierce, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—17.

So the motion was lost.

Mr. Shafter moved to refer the bill to a special committee, with special instructions to amend section six, by inserting after the oath of office the words :

“ And the oath required to be taken by plaintiffs in civil actions, in section first of an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.”

On which motion, the ayes and noes were demanded, by Messrs. Wright, Evans, and Shafter, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Maddox, McMurtry, Meyers, Porter, Redington, and Shafter—14.

NOES—Messrs. Benton, Burnell, Cot, Evans, Freeman, Hamilton, Heacock, Jones, Kutz, Leonard, Lovett, Pierce, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—18.

So the motion to refer was lost.

On motion of Mr. Wright, the special order was postponed until the bill under consideration was disposed of.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Gaskill, Evans, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Evans, Heacock, Jones, Kutz, Leonard, Lovett, Pierce, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—16.

NOES—Messrs. Buckley, Crane, Dodge, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Haswell, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, and Shafter—17.

So the Senate refused to pass the bill.

#### SPECIAL ORDER.

Senate bill No. 116, (the special order,) an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, was taken up.

Mr. Kutz stated that the Journal of yesterday made the bill the special order for Friday. The indorsement showed it to be for to-day.

On motion of Mr. Evans, the Journal was produced, and, on examination, showed the bill to have been made the special order for Friday, February fourth, at two o'clock P. M.

And, on motion, the approval of the Journal of yesterday was reconsidered, and the Journal amended as follows: by striking out the word “Friday,” line nineteen, page two hundred and thirty-nine, and inserting in place thereof, “Thursday;” and the journal approved as amended.

Senate bill No. 116—consideration as in Committee was resumed, and ordered placed at top of file for to-morrow.

Mr. McMurtry gave notice that on to-morrow he would move a reconsideration of the vote by which the Senate refused to pass Senate bill

No. 20, an Act creating a Board of Commissioners to revise and codify the laws of this State.

At three o'clock and forty minutes, P. M., on motion of Mr. Benton, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 5th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Cunningham presented a petition of the citizens of Marysville, remonstrating against the repeal of the Specific Contract Law.

Laid on the table.

Mr. Hall presented a petition of citizens of Solano County, remonstrating against the passage of a bill for a steam ferry between the Town of Vallejo and Mare Island.

## REPORTS.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road, having had the same under consideration, report it back, and recommend its passage ;

Also, Assembly bill No. 27, an Act for the construction of a bridge across the Mokelumne River at Benson's Ferry, having had the same under consideration, report it back, and recommend its passage.

LEONARD, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 67, an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of Land granted to this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen

hundred and fifty-two; and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three;

Also, substitute for Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers;

Also, Senate bill No. 143, an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co.;

Also, Senate bill No. 182, an Act to provide for the time of holding the County Court and Probate Court in the County of Nevada.

ROBERTS, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 151, an Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four, report the same back, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands, to whom was referred Assembly bill No. 172, an Act to extend the time of final payment for certain lands, have had the same under consideration, and respectfully report the same back, with the recommendation that it be indefinitely postponed.

WRIGHT, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 4th, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 166, an Act condemning part of certain streets adjacent to the Insane Asylum in the City of Stockton for Asylum purposes;

Also, passed Assembly bill No. 169, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 183, an Act in relation to the office of the County Superintendent of Common Schools of the County of San Joaquin;

Also, passed Assembly bill No. 171, an Act to fix the time of holding the County Court and Probate Court in the County of Marin;



Also, this day, concurred in Senate concurrent resolution No. 24, inviting the State Geologist to deliver a lecture in the Assembly Chamber ; Also, passed Senate bill No. 165, an Act in relation to the Board of Education of the City of Sacramento ;

Also, this day, passed Senate bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County ;

Also, on the third instant, passed Assembly concurrent resolution No. 25, directing the Sergeants-at-Arms to furnish his Excellency the Governor with copies of all printed matter and the General File of both Houses, each day.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 171, above reported, read first and second times, and placed on file.

Assembly bill No. 183, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 169, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 166, above reported, read first and second times, and referred to the Committee on Public Buildings.

Assembly concurrent resolution No. 25, above reported, was adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Benton, for an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Sacramento delegation.

Also, for an Act to provide for two additional Clerks in the office of the Secretary of State.

Read first and second times, and referred to the Finance Committee.

By Mr. Dodge, for an Act concerning the salary and fees of the Coroner of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cot, for an Act concerning the boundary line of Monterey County.

Read first and second times, and referred to the Mariposa and Monterey delegations.

By Mr. Shafter, for an Act relating to costs in civil cases in Courts of justice.

Read first and second times, and placed on file.

By Mr. Freeman, for an Act to authorize the County Assessor of Tulare County to complete the assessment thereof, and file a supplemental tax list.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Mr. McMurtry, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 20, an Act creating a Board of Commissioners to revise and codify the laws of this State.

Mr. Leonard moved to place the motion to reconsider at top of file for Wednesday, February tenth.

On which motion, the ayes and noes were demanded, by Messrs Gaskill, Redington, and Leonard, and taken, with the following result :

AYES—Messrs. Benton, Evans, Heacock, Jones, Leonard, Lovett, McMurtry, Montgomery, Pierce, Roberts, Rush, and Tuttle—12.

NOES—Messrs. Cunningham, Dodge, Foulke, Gaskill, Hale, Hamilton, Hawes, Kutz, Maddox, Porter, Redington, and Shafter—12.

So the motion was lost.

The question being on the reconsideration, the roll was called, with the following result :

AYES—Messrs. Benton, Evans, Heacock, Jones, Kutz, Leonard, Lovett, McMurtry, Montgomery, Pierce, Rush, and Tuttle—12.

NOES—Messrs. Cunningham, Dodge, Foulke, Gaskill, Hale, Hamilton, Hawes, Maddox, Porter, Redington, Roberts, and Shafter—12.

So the motion to reconsider was lost.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }  
February 5th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fifth day of February, eighteen hundred and sixty-four, passed Assembly concurrent resolution No. 26, concerning the correction of a clerical error.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 6, above reported, was adopted.

#### GENERAL FILE.

Assembly bill No. 145, an Act concerning roads and highways—referred to the Committee on Roads and Highways.

Senate bill No. 116, an Act amendatory of and supplemental to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three—consideration as in Committee of the Whole was resumed, and the bill further amended, and placed at top of file for Saturday, February sixth.

On motion of Mr. Cot, Senate bill No. 115, an Act to incorporate the Town of Santa Barbara, was taken up—read third time, and passed.

Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California by Act of Congress, approved May

thirteenth, eighteen hundred and sixty-one, approved April eleventh, eighteen hundred and sixty-two—read third time, and passed.

Assembly bill No. 187, an Act to change the name of James Kinsman—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 85, an Act for the relief of W. B. Latham, Jr.—ordered placed at the foot of file for Saturday, February sixth.

Assembly bill No. 161, an Act to confer the powers of Commissioners of Deeds for the time being upon certain officers of the army of the United States—considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Pierce, Benton, and Haskill, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hawes, Henry, Kutz, Leonard, Maddox, Moyle, Redington, Roberts, Shafter, Shepard, Tuttle, and Wright—21.

NOES—Messrs. Hamilton and Rush—2.

So the bill was passed.

Assembly bill No. 147, an Act to transfer certain funds—considered as in Committee of the Whole, and reported back without amendment.

Mr. Gaskill moved to amend section one, line two, by striking out the word "legislative," and inserting in place thereof the word "general."

The amendment was rejected.

Bill read third time.

On the passage, the ayes and noes were demanded, by Messrs. Moyle, McMurtry, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cunningham, Dodge, Foulke, Hall, Henry, Leonard, Maddox, Moyle, Redington, Roberts, Rush, Shafter, and Shepard—15.

NOES—Messrs. Cot, Gaskill, Hale, Hamilton, Kutz, McMurtry, Pierce, Tuttle, and Wright—9.

So the bill passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada.

And at eleven o'clock and forty-five minutes A. M., this the fifth day of February, A. D. eighteen hundred and sixty-four, delivered the same to the Governor for his approval.

MOYLE, Chairman.

Assembly bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties, and for receiving payment for the same—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 148, an Act to authorize the Administrator of the estate of Maria Ignacia Amador de Alvarado, deceased, to sell and convey

real estate—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 166, an Act concerning the District Courts of this State—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill ordered engrossed, and read third time.

Senate bill No. 139, an Act entitled an Act to re-district the City and County of San Francisco—considered as in Committee of the Whole, reported back with amendments, and ordered to top of file for Monday, February eighth.

On motion of Mr. Wright, Senate bill No. 124, an Act taxing alien Chinese, for the purpose of sustaining police regulations in the several counties of this State—was taken up and ordered to top of file for Tuesday, February sixteenth.

On motion of Mr. Moyle, Senate bill No. 110, an Act authorizing the Board of Supervisors of Sierra County to construct a wagon road, and to provide for the payment of the same—was taken up and referred to the Committee on Roads and Highways.

Senate bill No. 178, an Act for the relief of the State Agricultural Society—was returned to the file.

Senate bill No. 98, an Act supplementary to an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the Acts amendatory thereof and supplemental thereto—substitute adopted, and made the special order for Monday, February eighth, at two o'clock P. M.

Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, passed May twenty-eighth, eighteen hundred and sixty-one—recommitted to the Judiciary Committee.

Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 127, an Act amendatory of the Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same—considered as in Committee of the Whole, and recommitted to the Judiciary Committee.

Senate bill No. 152, an Act to amend an Act entitled an Act concerning Attorneys and Counsellors at Law, passed February nineteenth, eighteen hundred and fifty-one—considered as in Committee of the Whole.

Mr. Burnell moved that the Senate do now adjourn.



On which, the ayes and noes were demanded, by Messrs. Benton, Burnell, and Kutz, and taken, with the following result :

AYES—Messrs. Burnell, Gaskill, Hall, Jones, Kutz, Maddox, Roberts, and Rush—8.

NOES—Messrs. Benton, Crane, Cunningham, Dodge, Foulke, Freeman, Hale, Hamilton, Hawes, McMurtry, Meyers, Pierce, Shafter, Shepard, Tuttle, and Wright—16.

So the motion was lost.

The bill was reported back without amendment.

Mr. Gaskill moved to strike out the enacting clause of the bill.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Crane, and Kutz, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Foulke, Gaskill, Hall, Kutz, Maddox, McMurtry, Moyle, and Roberts—10.

NOES—Messrs. Benton, Crane, Dodge, Freeman, Hale, Hamilton, Hawes, Jones, Pierce, Rush, Shafter, Shepard, Tuttle, and Wright—14.

So the motion was lost.

Mr. Kutz moved a call of the Senate.

Motion lost.

Mr. Gaskill moved to place the bill at top of file for Thursday, February eleventh.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Kutz, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Foulke, Gaskill, Hall, Hamilton, Jones, Kutz, Maddox, Moyle, and Roberts—11.

NOES—Messrs. Benton, Crane, Dodge, Freeman, Hale, Hawes, McMurtry, Pierce, Rush, Shafter, Shepard, Tuttle, and Wright—13.

So the motion was lost.

Mr. Jones moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Kutz, Benton, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Foulke, Gaskill, Hall, Jones, Kutz, Maddox, Moyle, and Roberts—10.

NOES—Messrs. Benton, Crane, Dodge, Freeman, Hale, Hamilton, Hawes, McMurtry, Pierce, Rush, Shafter, Shepard, Tuttle, and Wright—14.

So the motion was lost.

Mr. Crane moved the previous question.

Carried.

The question then being, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Gaskill, Moyle, and Roberts, and taken, with the following result :

AYES—Messrs. Benton, Crane, Dodge, Freeman, Hale, Hamilton, McMurtry, Moyle, Pierce, Rush, Shafter, Shepard, Tuttle, and Wright—14.

NOES—Messrs. Burnell, Cunningham, Foulke, Gaskill, Hall, Hawes, Jones, Kutz, Maddox, and Roberts—10.

So the motion was carried.

The question then being on ordering the bill engrossed and read the third time, the ayes and noes were demanded, by Messrs. Kutz, Roberts, and Gaskill, and taken, with the following result:

AYES—Messrs. Benton, Crane, Dodge, Freeman, Hale, Hamilton, Hawes, McMurtry, Moyle, Pierce, Rush, Shafter, Shepard, Tuttle, and Wright—15.

NOES—Messrs. Burnell, Cunningham, Foulke, Gaskill, Hall, Jones, Kutz, Maddox, and Roberts—9.

So the bill was ordered engrossed and read third time.

Mr. Moyle gave notice that on to-morrow he would move to reconsider the vote by which the above bill was ordered engrossed.

Mr. Hawes gave notice that on to-morrow he would move to reconsider the vote by which the Senate to-day passed Senate bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven, approved April eighth, eighteen hundred and sixty-three.

At five o'clock and forty-five minutes P. M., on motion of Mr. Burnell, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 6th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Dwinelle.

Journal of yesterday read and approved.

Mr. Shepard was granted one day leave of absence.

## PETITIONS.

Mr. Cunningham presented a petition of citizens of California living upon the east side of the Sierra Nevada Mountains, in the vicinity of West Walker River, asking the formation of a township, etc.

Referred to the Amador and Mono delegations.

Mr. McMurtry presented a petition of the Board of Trustees of the University of the Pacific, asking an appropriation.

Referred to the Special Committee on Agricultural College.

Mr. Hawes presented a petition of citizens of San Mateo County, asking the equipment of a militia company.

Referred to the Committee on Military Affairs.

Mr. Freeman presented a petition of citizens of Mono and Tulare Counties, asking the formation of a new county, to be called the County of Inyo.

Referred to the Tulare and Mono delegations.

#### REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight;

Also, Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, eighteen hundred and fifty-eight, approved March eighth, eighteen hundred and sixty;

Also, Senate bill No. 135, an Act relating to powers of attorney.

ROBERTS, Chairman.

Mr. Crane made the following report :

MR. PRESIDENT :—The Alameda delegation, to whom was referred Assembly bill No. 197, an Act to provide for assessing and collecting taxes in Alameda County, would respectfully report that it has had the same under consideration, and report it back, with a recommendation that it pass.

CRANE, for Delegation.

Mr. Benton made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 199, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, report the same back, and recommend its passage.

BENTON.  
HEACOCK.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 5th, 1864. }

MR. PRESIDENT :—The Assembly, on the third instant, passed Assembly bill No. 51, an Act to exempt active and exempt firemen from jury duty in the City of Sacramento;

Also, same day, passed Assembly bill No. 114, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also, same day, passed Assembly bill No. 181, an Act amendatory of and to extend the provisions of an Act entitled an Act authorizing John

W. Sharp and his associates to construct and maintain a toll road from the eastern bank of the Sacramento River, near Georgiana Slough, to the lower Stockton Road, near Benson's Ferry, in the County of Sacramento, approved April fourteenth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 5th, 1864. }

Mr. PRESIDENT :—The Assembly this day passed Assembly concurrent resolution No. 27, relative to Indian hostilities ;

Also, this day, passed Senate bill No. 115, an Act to incorporate the Town of Santa Barbara.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 5th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fifth day of February, eighteen hundred and sixty-four, passed Senate bill No. 197, an Act to authorize the Assessor of Tulare County to complete the assessment thereof and file a supplemental tax list ;

Also, this day, passed Senate bill No. 182, an Act to provide for the time of holding the County Court and Probate Court in the County of Nevada.

O. C. WHEELER.  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 114, above reported, read first and second times, and placed on file.

Assembly bill No. 181, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 51, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly concurrent resolution No. 27, above reported, concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crane, for an Act to provide for the erection of a Jail and the repair of the Court-house in the County of Alameda.

Read first and second times, and referred to the Alameda delegation.

By Mr. Roberts, for an Act to exempt active and exempt firemen from jury duty in the County of Nevada.

Read first and second times, and placed on file.

Mr. Hawes, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday passed Assembly bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven, approved April eighth, eighteen hundred and sixty-three.

The motion prevailed.

The bill was ordered to top of file for Monday, February eighth.



Mr. Moyle, pursuant to notice, now moved to reconsider the vote by which the Senate on yesterday ordered engrossed and read third time Senate bill No. 152, an Act to amend an Act entitled an Act concerning Attorneys and Counsellors at Law, passed February nineteenth, eighteen hundred and fifty-one.

Mr. Wright moved to indefinitely postpone the motion to reconsider.

On which motion, the ayes and noes were demanded, by Messrs. Wright, Maddox, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Freeman, Hawes, Rush, Shafter, and Wright—6.

NOES—Messrs. Burnell, Cot, Cunningham, Foulke, Gaskill, Hall, Hamilton, Henry, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Montgomery, Moyle, Porter, Redington, Roberts, and Tuttle—20.

So the motion to indefinitely postpone was lost.

The vote being taken, the vote by which the bill passed was reconsidered.

The hour having arrived for the consideration of the special order (General File,) Mr. Foulke moved that the special order be postponed until the bill under consideration be disposed of.

The motion prevailed.

Mr. Benton moved that the bill be made the special order for Wednesday, February tenth, at two o'clock P. M.

Mr. Hawes moved to amend by making it the special order for to-night, at seven o'clock.

The amendment was lost.

The vote being taken on Mr. Benton's motion, it was rejected.

The bill was referred to Mr. Roberts.

#### GENERAL FILE.

Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front, in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three—reported back from the Committee of the Whole, with amendments.

Mr. Hawes moved that the amendments made in Committee be taken up *seriatim*, and considered.

There being no quorum present—

Mr. Foulke moved a call of the Senate.

The motion prevailed.

Absent without leave—Messrs. Freeman, Gaskill, Hale, Henry, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Tuttle, and Wright.

Messrs. Lovett, McMurtry, Wright, Kutz, Gaskill, Montgomery, and Moyle, appeared at the bar of the Senate, and were excused.

Mr. Redington moved that further proceedings under the call be dispensed with.

Motion lost.

Mr. Foulke moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Wright, Gaskill, and Crane, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Gaskill, Hall, Heacock, Lovett, Montgomery, and Wright—11.

NOES—Messrs. Cot, Hamilton, Hawes, Jones, Kutz, McMurtry, Moyle, Porter, Redington, and Shafter—10.

So, at one o'clock and fifteen minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, February 8th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Indefinite leave of absence was granted to Mr. Cot, to Mr. Roberts leave for two days, and to Mr. Shepard leave for one day.

Journal of Saturday last read and approved.

Mr. Foulke spoke to a question of privilege.

## PETITIONS.

Mr. Henry presented a petition of citizens of El Dorado and Placer Counties, remonstrating against the repeal of the Specific Contract Law.

Laid on the table.

Mr. Freeman presented a petition of Charles H. Randall, relative to the seat held by Hon. J. W. Haskin.

Referred to the Committee on Elections.

Mr. Cunningham presented a petition of citizens of Yuba County, remonstrating against the repeal of the Specific Contract Law.

Laid on the table.

Mr. Heacock presented a petition of citizens of Sacramento County, to Senators Benton and Heacock, asking to oppose the repeal of the Specific Contract Law.

Laid on the table.

## REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County;

Also, Senate bill No. 79, an Act to amend an Act entitled an Act con-

cerning conveyances, passed April sixteenth, eighteen hundred and fifty, and all other Acts amendatory;

Also, Senate bill No. 134, an Act in relation to the Probate Court in the City and County of San Francisco.

And the above bills were, on the sixth day of February, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Maddox, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 156, an Act for the relief of Isaac F. Baker, Tax Collector of District Number Four, in and for Tuolumne County;

Also, Senate bill No. 159, an Act to appropriate money to pay the claim of A. Blossom;

Also, Senate bill No. 173, an Act to appropriate money to pay the claim of John Byrnes and others, for material furnished and labor performed in fitting up the Supreme Court rooms, Judges' chambers, Clerk's office, and Attorney-General's office.

MADDOX, for Committee.

Mr. Heacock made the following report:

Mr. PRESIDENT :—The Sacramento delegation, to whom was referred Assembly bills Nos. 51 and 181, report the same back without amendment, and recommend their passage.

HEACOCK,  
BENTON.

Mr. Hawes made the following report:

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 7, an Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco, have had the same under consideration, and beg leave to report that, in their opinion, the object aimed at by the bill has been accomplished by the passage of another similar in its provisions, and, therefore, they recommend the indefinite postponement of the present bill.

HAWES, for Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 6th, 1864. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body a communication from Brigadier-General John S. Ellis, forwarded to me by Major-General Lucius H. Allen, of the California Militia.

As I have no copy, I have to request that you will inform the Assembly of the receipt by you of the original.

FRED'K F. LOW,  
Governor.

HEADQUARTERS SECOND BRIGADE, C. M.,

San Francisco, January 18th, 1864. }

GENERAL:—I have the honor to tender, through you, to His Excellency the Governor of California, and to the Legislature thereof, a review of this brigade, to be followed by an inspection and brigade drill, to take place in the County of San Francisco, on Monday, the twenty-second day of February.

The Legislature last winter having made an appropriation towards equipping the militia of this State, it is the wish of the officers and members of the Second Brigade to demonstrate to the Executive and Representatives of the people that such liberality has been well applied and amply repaid in the comfortable appearance, increased numbers, military spirit, and efficiency of our citizen soldiery, to whom our people must principally look for safety in sudden danger, and from whose ranks the armies of the United States are being continually replenished with brave and patriotic officers and men.

I have the honor to remain, with great respect,

Your most obedient servant,

JOHN S. ELLIS,

Brigadier-General Commanding.

Major-General LUCIUS H. ALLEN, Com'g California Militia.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 6th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 71, an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo;

Also, Senate bill No. 92, an Act to fix the bonds of the Treasurer of the County of Santa Barbara;

Also, Senate bill No. 132, an Act to provide for opening and grading Huntton street, in the Town of Oroville, from the Railroad Depot, in said town, to Safford street;

Also, Senate bill No. 107, an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, one thousand eight hundred and sixty-one;

Also, Senate bill No. 137, an Act to legalize the assessment of taxes in the County of Amador;

Also, Senate bill No. 36, an Act to extend the time for completing the turnpike road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador;

Also, Senate bill No. 93, an Act to provide for the collection of delinquent taxes in the City of Nevada.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 6th, 1864. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body the annual report of the State Prison Directors.

As I have no copy, I have to request that you will inform the Assembly of your reception of the original.

FRED'K F. LOW,  
Governor.



On motion, nine hundred and and sixty copies of the above mentioned report ordered printed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 8th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fourth instant, passed Assembly bill No. 92, an Act to amend an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two ;

Also, same day, passed Assembly bill No. 200, an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 92, above reported, read first and second times, and placed on file.

Assembly bill No. 200, above reported, read first and second times, and referred to the San Bernardino delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act to define the boundaries of Sacramento County.

Read first and second times, and placed on file.

Also, for an Act to establish Pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Freeman, for an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

#### RESOLUTION.

Mr. Hale offered the following resolution :

WHEREAS, Upon the statement in open Senate of Honorable L. M. Foulke, Senator from the Twenty-Eighth Senatorial District of the State of California, composed of the County of Siskiyou, in said State, a question has arisen as to the legality of the election of said Senator, and as to his right to hold his seat as a member of the Senate of the State of California ; and,

WHEREAS, Upon the files of said Senate there appears a certificate duly executed by the County Clerk and ex officio Clerk of the Board of Supervisors of said Siskiyou County, certifying in due form of law that the said Honorable L. M. Foulke, at an election holden in said county

at the time and in the manner prescribed by law, was legally elected Senator by the qualified electors of said county and district, for the Senatorial term prescribed by law, commencing on the first Monday of December, A. D. eighteen hundred and sixty-three; and,

WHEREAS, No contest has been made by any person as against the right of the said Honorable L. M. Foulke to said office, or any legal evidence presented to the Senate that any other person claims said office or has a better right thereto; and,

WHEREAS, Upon the foregoing statement of facts it appears that the Honorable L. M. Foulke is the lawful incumbent of said office of Senator from said Senatorial District; therefore,

*By the Senate of the State of California, be it*

*Resolved*, That until such time as by competent proof it shall be made to appear to said Senate that the said Honorable L. M. Foulke was not legally elected Senator from said district, or some other person establishes, by competent proofs, a better right to said office, this Senate considers it the right and duty of the Honorable L. M. Foulke to retain his seat and continue in the exercise of his functions a Senator lawfully in office, representing the Twenty-Eighth Senatorial District.

Resolution adopted unanimously.

#### GENERAL FILE.

Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three—the motion to take up, for concurrence, the amendments made in Committee of the Whole, and consider them *seriatim* was carried, and amendments considered and concurred in.

The question recurring on the adoption of the following amendment, to wit: Amend section nine by striking out, in line five, the words "twenty cents per ton," and insert in place thereof the words, "the present rates," the ayes and noes were demanded, by Messrs. Redington, Dodge, and Heacock, and taken, with the following result:

AYES—Messrs. Dodge, Heacock, Henry, Lovett, McMurtry, Montgomery, Redington, and Rush—8.

NOES—Messrs. Benton, Burnell, Cunningham, Hale, Hall, Hamilton, Hawes, Jones, Moyle, Pierce, Porter, Smith, and Wright—13.

So the amendment was lost.

Mr. Redington offered the following:

Amend section nine, line five, by inserting in the parentheses, after the word "ton," the following:

"For tolls and wharfage, and shall not be less than the present rates for dockage."

Mr. Hawes offered the following as a substitute for the above:

Amend section nine, line five, so that the words included in parentheses shall read as follows:

"Which wharfage shall not at any time exceed twenty cents per ton on merchandise landed on or shipped from the wharves, and not less than ten cents on any load less than half a ton carried on or off the wharves by any vehicle at any one time, and not otherwise charged with wharfage."

The substitute was carried.

The amendment was adopted as amended.

Further amendments were concurred in.

Mr. Smith offered to further amend as follows:

In section five, line five, after the words "as often as once in each month," insert the words "in like currency as received."

Amendment adopted.

Mr. Hale moved to amend section nine, line eighteen, by adding, after the words "the Legislature," the following:

"*Provided*, that all tolls, wharfage, and dockage charges by this Act authorized and required to be collected shall be due and collectable exclusively in gold and silver money of the United States; and the wages of all laborers employed by the Commissioners on any public works under their charge or otherwise in the execution of their powers and duties under the provisions of this Act, shall be deemed to be payable in gold and silver coin, unless otherwise specially agreed."

Pending the consideration of the above amendment, the hour arrived for taking up Senate bill No. 98, (special order.) an Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five—the bill was taken up, and recommitted to its author, Mr. Rush.

The consideration of Senate bill No. 116 was again resumed.

On the adoption of Mr. Hale's amendment, the ayes and noes were demanded, by Messrs. Dodge, Lovett, and Shafter, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Hawes, Henry, McMurtry, Porter, Redington, and Shafter—14.

NOES—Messrs. Burnell, Heacock, Leonard, Lovett, Maddox, Moyle, Smith, Tuttle, and Wright—9.

So the amendment was adopted.

Mr. Smith moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Wright, Kutz, and Dodge, and taken, with the following result:

AYES—Messrs. Burnell, Foulke, Gaskill, Hall, Heacock, Henry, Leonard, Lovett, Maddox, Montgomery, Pierce, Smith, and Tuttle—13.

NOES—Messrs. Benton, Cunningham, Dodge, Hamilton, Hawes, McMurtry, Moyle, Porter, Redington, Shafter, and Wright—11.

So at two o'clock and thirty-five minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 9th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Crane presented a petition of citizens of Alameda County, remonstrating against the repeal of the specific contract law.

Laid on the table.

Mr. Shafter presented a petition of citizens of San Francisco County, remonstrating against the repeal of the specific contract law.

Laid on the table.

Mr. McMurtry presented a petition of citizens of Santa Clara County, remonstrating against the repeal of the specific contract law.

Laid on the table.

Mr. Montgomery presented a petition of the Board of Supervisors of the County of Mariposa, remonstrating against the passage of Assembly bill No. 145.

Referred to the Committee on Roads and Highways.

## REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, passed April twentieth, eighteen hundred and sixty-three;

Also, Senate bill No. 115, an Act to incorporate the Town of Santa Barbara;

Also, Senate bill No. 165, an Act in relation to the Board of Education of the City of Sacramento;

Also, Senate bill No. 182, an Act to provide for the time of holding the County Court and Probate Court in the County of Nevada;

Also, Senate bill No. 197, an Act to authorize the Assessor of Tulare County to complete the assessment thereof, and file a supplemental tax list;

And said bills were, on the eighth day of February, A. D. eighteen hundred and sixty-four, at eleven o'clock and forty-five minutes A. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Maddox, from the Committee on Engrossment, made the following report:



Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 138, an Act for the relief of Marcuse & Baltzar;

Also, Senate bill No. 183, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three;

Also, Senate bill No. 186, an Act amendatory of and supplemental to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento.

MADDOX, for Committee.

Mr. Benton, from the special committee appointed to examine and report upon the condition of the archives in the office of the Secretary of State, and to make such recommendations as in their judgment the public good may demand, made a report.

Referred to the Finance Committee.

[For report, see Appendix.]

Mr. Tuttle made the following report :

Mr. PRESIDENT :—The San Bernardino delegation, to whom was referred Assembly bill No. 200, an Act to create a Board of Water Commissioners in the County of San Bernardino, and define their duties, have had the same under consideration, report it back without amendment, and recommend its passage.

TUTTLE, for Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 8th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 147, an Act to exempt from forced sale certain property ;

Also, passed Assembly bill No. 133, an Act to amend an Act entitled an Act to amend an Act entitled an Act relating to the levying of taxes, approved May fifteenth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 198, an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons ;

Also, passed Assembly bill No. 202, an Act to authorize the Administrator of the estate of Josiah B. Royal, deceased, to sell the property of said estate at public or private sale ;

Also, passed Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property ;

Also, passed Senate bill No. 70, an Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California ;

Also, passed Senate bill No. 81, an Act to amend an Act entitled an

Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, eighteen hundred and fifty-seven;

Also, indefinitely postponed Senate bill No. 39, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof;

Also, this day, refused to adopt Senate substitute for Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and ask the Senate to recede from the same.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 154, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 202, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 117, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 198, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 133, above reported, read first and second times, and referred to the Finance Committee.

Senate substitute for Assembly bill No. 154, above reported, referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Benton, for an Act to authorize William B. Harron to dispose of certain interests in a house and lots in Sacramento.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Dodge, for an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one

Read first and second times, and referred to the Judiciary Committee.

By Mr. Foulke, for an Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office.

Read first and second times, and referred to the Finance Committee.

By Mr. Haswell, for an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Jones, for an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for a Seminary of learning, approved April twenty-third, A. D. eighteen hundred and fifty-eight, and Acts amendatory of and supplementary thereto.

Read first and second times, and referred to the Finance Committee.  
Mr. Shafter offered the following resolution :

*Resolved*, That the Judiciary Committee be and are hereby authorized to subpoena witnesses, take testimony, and examine books, papers, etc., in relation to the fees of the Clerk of the Supreme Court.

**Adopted.**

The President presented documents and papers relating to the contested election cases now before the Senate.

Referred to the Committee on Elections.

#### GENERAL FILE.

Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Bill read the third time, and discussed at great length, Mr. Wright having the floor.

Mr. Pierce moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Dodge, Crane, and Hale, and taken, with the following result :

**AYES**—Messrs. Benton, Burnell, Evans, Freeman, Hall, Heacock, Has-kin, Jones, Kutz, Leonard, Maddox, Meyers, Moyle, Pierce, Porter, Roberts, Rush, Smith, Tuttle, and Wright—19.

**NOES**—Messrs. Buckley, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hamilton, Haswell, Hawes, Henry, McMurtry, Montgomery, Redington, and Shepard—15.

So at four o'clock and ten minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER.

Wednesday, February 10th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Smith presented a petition of soldiers in the army of the United States, asking the repeal of the specific contract law.

Laid on the table.

Mr. Roberts presented a petition of citizens of Nevada County, remonstrating against the repeal of the specific contract law.

Laid on the table.

Mr. Redington presented a series of resolutions adopted by citizens of San Francisco, against the repeal of the specific contract law.

Laid on the table.

Also, a petition of citizens of San Francisco, against the repeal of the specific contract law.

Laid on the table.

Mr. Pierce presented a petition of citizens of Sonoma Township, Sonoma County, remonstrating against the repeal of the specific contract law.

Laid on the table.

Mr. Porter presented a petition of citizens of Marin County, remonstrating against the repeal of the specific contract law.

Laid on the table.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento ;

Also, substitute for Senate bill No. 155, an Act relative to the office of County Treasurer of the County of Sacramento.

ROBERTS, Chairman.

Mr. Cunningham made the following report :

MR. PRESIDENT:—The Yuba delegation, to whom was referred Assembly bill No. 121, an Act entitled an Act to reduce the penalty of the official bond of the Sheriff of Yuba County, report the same back and recommend its passage.

CUNNINGHAM, for Delegation.

Mr. Shafter made the following report :

MR. PRESIDENT:—The undersigned, a Joint Committee, appointed by the Senate and Assembly, to open the proposals for translating the laws into Spanish, in pursuance to the Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fifteenth, A. D.



eighteen hundred and fifty-four, and other Acts amendatory thereof, approved April twenty-seventh, A. D. eighteen hundred and sixty-three, report that we have attended to the duties devolving upon us, and find that N. F. Brown is the lowest competent bidder. We accordingly have awarded the contract for translating said laws to the said N. F. Brown.

SHAFTER,  
LOVETT,  
EVANS,

Senate Committee.

OWEN,

WILEY,

Assembly Committee.

Mr. Buckley made a verbal report recommending the passage of Senate bills Nos. 196 and 200.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 8th, 1864.

*To the Senate of the State of California :*

I have to inform your honorable body that during the recess of the Legislature my predecessor appointed John Bidwell, Brigadier-General Fifth Brigade, California Militia, and I would respectfully ask the Senate to confirm the same.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 8th, 1864.

*To the Senate of the State of California :*

I have to inform your honorable body that I have appointed John Hewston, Jr., Brigadier-General Second Brigade, California Militia, vice John S. Ellis, resigned, appointment to take effect on the twenty-third day of February, A. D. eighteen hundred and sixty-four, and I would respectfully ask the Senate to confirm the same.

FRED'K F. LOW,  
Governor.

The above messages were made the special order for Saturday, February thirteenth, eighteen hundred and sixty-four, at twelve o'clock M.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 10th, 1864.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 182, an Act providing for the time of holding the County Court and Probate Court in Nevada County ;

Also, Senate bill No. 165, an Act in relation to the Board of Education of the City of Sacramento ;

Also, Senate bill No. 53, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, one thousand eight hundred and sixty-three ;

Also, Senate bill No. 115, an Act to incorporate the Town of Santa Barbara;

Also, Senate bill No. 197, an Act to authorize the County Assessor of Tulare County to complete the assessment thereof and file a supplemental tax list;

Also, Senate bill No. 134, an Act in relation to the Probate Court in the City and County of San Francisco.

FRED'K F. LOW,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 9th, 1864. }

Mr. PRESIDENT :—The Assembly have instructed me to transmit to your honorable body a copy of telegraphic correspondence which was this morning presented to the House, as follows :

SACRAMENTO, CAL., February 6th, 1864.

To Hon. SALMON P. CHASE,

Secretary of Treasury, Washington City :

Is California's gold law against National policy? Repeal proposed. Your opinion is important. Answer.

THOMPSON CAMPBELL, Assemblyman.  
E. W. ROBERTS, Senator.

[Reply.]

To THOMPSON CAMPBELL and E. W. ROBERTS :

I am clearly of opinion that the California gold law is against National policy, and I shall be much gratified to see California declare herself in favor of one currency for the whole people, by its repeal.

S. P. CHASE.

O. C. WHEELER,  
Chief Clerk.

The above correspondence was referred to the Committee on Federal Relations.

ASSEMBLY CHAMBER,  
February 9th, 1864. }

Mr. PRESIDENT :—I am directed by the Assembly to transmit the accompanying letter from Professor Whitney, relative to delivering a lecture before this Legislature.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 9th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fourth instant, passed Assembly bill No. 59, an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress;

Also, same day, passed Assembly bill No. 210, an Act to amend an Act entitled an Act concerning estrays and animals running at large in the

County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, on the fifth instant, passed Assembly bill No. 240, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, this day, concurred in Senate concurrent resolution No. 1, relative to the seat held in the United States Senate by the Honorable James A. McDougall.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 210, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 240, above reported, read first and second times, and referred to the Committee on Hospitals.

Assembly bill No. 59, above reported, read first and second times, and placed on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haswell, for an Act to define the boundary lines of the County of Sutter.

Read first and second times, and referred to the Sutter and Butte delegations.

By Mr. Dodge, for an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### GENERAL FILE.

Senate bill No. 47, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Smith, by leave, presented a petition of citizens of Butte County, asking the repeal of the specific contract law.

Laid on the table.

The question being on the passage of the bill, (Senate bill No. 47,) the ayes and noes were demanded, by Messrs. Pearce, Heacock, and Porter, and taken, with the following result :

AYES—Messrs. Benton, Evans, Heacock, Haskin, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Smith, Tuttle, Wright, and Yule—14.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Haswell, Hawes, Henry, Leonard, Montgomery, Pierce, Porter, Redington, Roberts, Rush, Shafter, and Shepard—24.

Mr. Hartson paired off with Mr. Jones.

So the Senate refused to pass the bill.

Mr. Leonard gave notice that on to-morrow he would move to reconsider the vote by which the Senate refused to pass the above bill.

At four o'clock P. M., on motion of Mr. Henry, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 11th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read, corrected, and approved.

Mr. Lovett presented a petition of citizens of Santa Cruz County, remonstrating against the repeal of the specific contract law.

Laid on the table.

### REPORTS.

Mr. Yule, Chairman of the Committee on Mines and Mining Interests, made the following report :

MR. PRESIDENT :—The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes, together with a substitute, have had them under consideration, and report them back, with a substitute, and recommend the passage of the substitute.

YULE, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was recommitted Senate bill No. 127, an Act amendatory of the Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same, having had the same under consideration, report it back, and recommend its passage.

SHAFTER, for Committee.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—The Committee on Roads and Highways to whom was referred Senate bill No. 110, an Act to authorize the Board of Supervisors of Sierra County to construct a wagon road, and provide for the payment of the same, having had the same under consideration, re-



port the same back, with a substitute, and recommend the passage of the substitute.

LEONARD, Chairman.

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 10th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fifth instant, passed Assembly bill No. 45, an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property ;

Also, on the fourth instant, passed Assembly bill No. 93, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven ;

Also, on the eighth instant, passed Assembly bill No. 211, an Act to legalize the assessments made in the County of San Diego ;

Also, on same day, passed Assembly bill No. 252, an Act to define the legal distances from the county seat of Lake County to the Capital, Lunatic Asylum, and State Prison ;

Also, on same day, passed Assembly bill No. 234, an Act to authorize Lucian B. Healy to sell certain real estate ;

Also, this day, passed Assembly concurrent resolution No. 28, concerning the location of the Insane Asylum, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 10th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 196, an Act supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, passed Assembly bill No. 213, an Act changing the time for holding the County and Probate Courts in the County of Amador ;

Also, passed Assembly bill No. 218, an Act to fix the compensation of the Assessor of Santa Cruz County ;

Also, passed Senate substitute for Assembly bill No. 46, an Act to authorize mining companies or corporations to change their principal places of business ;

Also, passed Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight ;

Also, passed Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, approved March eighth, eighteen hundred and sixty.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 10th, 1864. }

Mr. PRESIDENT :—I am directed by the Assembly to transmit the accompanying memorial and petition of the State Board of Agriculture.

O. C. WHEELER,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 218, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly bill No. 196, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules further suspended, read third time, and passed.

Assembly bill No. 213, above reported, read first and second times, and referred to the Amador delegation.

Assembly Bill No. 211, above reported, read first and second times, and placed on file.

Assembly bill No. 234, above reported, read first and second times, and placed on file.

Assembly bill No. 252, above reported, read first and second times, and placed on file.

Assembly bill No. 93, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 45, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly concurrent resolution No. 28, above reported, referred to Committee on Hospitals.

Memorial of officers of the State Agricultural Society, above reported, placed on file.

#### REPORTS.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 155, an Act to authorize the issuance of a duplicate bond and certificate to Robert M. Irving, have had the same under consideration, report the same back, and recommend its reference to the Committee on Claims;

Also, Senate bill No. 102, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and recommend that it be indefinitely postponed;

Also, Senate bill No. 210, an Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office, have had the same under consideration, and recommend its passage;

Also, Senate bill No. 198, an Act to provide for two additional Clerks in the office of the Secretary of State, have had the same under consideration, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 169, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, ap-

proved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and recommend its passage.

CUNNINGHAM, Chairman.

Assembly bill No. 155, above reported, referred to the Committee on Claims.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 81, an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, eighteen hundred and fifty-seven ;

Also, Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property ;

And the same were, this the eleventh day of February, A. D. eighteen hundred and sixty-four, at ten o'clock and thirty minutes A. M., delivered to the Governor for his approval.

MOYLE, Chairman.

On motion of Mr. Tuttle, Assembly bill No. 200, an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, was taken up, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Roberts offered the following resolution :

*Resolved*, That the usual per diem of eight dollars per day be allowed to Thurston Hatch, from the sixteenth day of January to the second day of February, inclusive, for services rendered as Assistant Engrossing Clerk of the Senate.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pearce, for an Act in relation to the Recorder of the City of Petaluma.

Read first and second times, and referred to the Judiciary Committee.

Mr. Porter spoke to a question of privilege.

Mr. Leonard, by leave, withdrew his notice of reconsideration of the vote by which the Senate on yesterday refused to pass Senate bill No. 47, and recorded his vote in favor of the passage of said bill.

Mr. Roberts moved to reconsider the vote by which the Senate, on the fifth instant, suspended the rules, considered engrossed, and passed, Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth,

eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five.

The motion prevailed.

On motion of Mr. Roberts, the bill was amended by adding an enacting clause, and ordered engrossed and read third time.

On motion of Mr. Benton, Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, was ordered to top of file for Tuesday, February sixteenth, eighteen hundred and sixty-four.

#### GENERAL FILE.

Senate bill No. 48, an Act concerning offices—considered as in Committee of the Whole, reported back without amendment.

Mr. Kutz moved to amend, by striking out the enacting clause.

Mr. Hawes offered the following amendment to the bill: Strike out all after the enacting clause, and insert the following:

“The Governor, Attorney-General, and Secretary of State shall have power, for sufficient cause, to remove from office all officers who hold their offices by appointment from the Governor alone. Reasonable notice shall be given to the incumbent of the intention to remove, and the alleged cause therefor, and such incumbent shall thereupon be heard briefly in his defence; but the Governor, Attorney-General, and Secretary of State shall be the exclusive judges, both of the reasonableness of notice and the sufficiency of the causes for removal.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Wright, Evans, and Cot, and taken, with the following result:

AYES—Messrs. Buckley, Cot, Dodge, Freeman, Gaskill, Hale, Hamilton, Haswell, Hawes, Maddox, McMurtry, Meyers, Moyle, Shafter, and Yule—15.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Hall, Heacock, Henry, Haskin, Jones, Kutz, Lovett, Pierce, Redington, Roberts, Rush, Shepard, Smith, Tuttle, and Wright—20.

So the amendment was lost.

The question being on striking out the enacting clause, the roll was called, with the following result:

AYES—Messrs. Buckley, Cot, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hamilton, Hawes, Kutz, Maddox, McMurtry, Montgomery, Pierce, Roberts, Rush, Shafter and Yule—19.

NOES—Messrs. Benton, Burnell, Crane, Evans, Hall, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Meyers, Moyle, Redington, Shepard, Smith, Tuttle, and Wright—19.

The result showing a tie vote, the President voted “No,” and declared the motion lost.

The question then being on ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Yule, Evans, and Dodge, and taken, with the following result:



AYES—Messrs. Benton, Burnell, Crane, Evans, Hall, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Meyers, Moyle, Redington, Shepard, Smith, Tuttle, and Wright—19.

NOES—Messrs. Buckley, Cot, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hamilton, Hawes, Kutz, Maddox, McMurtry, Montgomery, Pierce, Roberts, Rush, Shafter, and Yule—19.

The result showing a tie vote, the President voted in the affirmative, and declared the bill ordered to engrossment for third reading.

On motion of Mr. Tuttle, at three o'clock and ten minutes P. M., the Senate adjourned.

T. N. MACHIN.

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Friday, February 12th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Roberts presented a petition of D. E. Sykes, asking for relief for the loss of certain foreign miners' and poll tax receipts.

Referred to the Committee on Claims.

Mr. Haswell presented a petition of citizens of Sacramento Valley, asking an amendment to the Revenue Law.

Referred to the Finance Committee.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 169, an Act concerning assessments upon the stocks of corporations, report the same back and recommend its passage;

Also, Senate bill No. 145, an Act supplemental to an Act entitled an Act for the protection of water companies, report the same back and recommend its indefinite postponement;

Also, Senate bill No. 181, an Act amendatory of and supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the various Acts amendatory of

and supplemental to the same, report the same back and recommend that it be indefinitely postponed.

SMITH, Chairman.

Senate bill No. 169, above reported, was laid on the table and ordered printed.

Mr. Shafter, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 178, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, having had the same under consideration, report it back, and recommend its passage;

Also, Assembly bill No. 117, an Act to exempt from forced sale certain property, report the same back, and recommend its passage;

Also, Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, committee recommend that the Senate recede from the Senate substitute, and recommend the passage of the Assembly bill;

Also, Assembly bill No. 202, an Act to authorize the Administrator of the estate of Josiah B. Royal, deceased, to sell the property of said estate at public or private sale, report the same back, and recommend its passage.

Also, Senate bill No. 208, an Act to authorize William B. Harron to dispose of certain interests in a house and lot in Sacramento, report the same back, and recommend its passage.

Also, Senate bill No. 209, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, report the same back, and recommend its passage.

SHAFTER, for Committee.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly concurrent resolution No. 9, have had the same under consideration, herewith report the same back, with a recommendation said resolution be adopted.

HALE, Chairman.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 108, an Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, have had the same under consideration, and beg leave to report it back, with the recommendation that it do not pass.

MEYERS, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough ;

Also, Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three ;

Also, Senate bill No. 166, an Act concerning the District Courts of this State ;

Also, Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also, to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five ;

Also, Senate bill No. 187, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

ROBERTS, Chairman.

Mr. McMurtry made the following report :

MR. PRESIDENT :—The Santa Clara delegation report back Assembly bill No. 210, an Act to amend an Act entitled an Act concerning estrays and animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three, and recommend that it pass.

McMURTRY, for Delegation.

Mr. Burnell made the following report :

MR. PRESIDENT :—The committee to whom was referred Assembly bill No. 213, an Act changing the time for holding the County and Probate Courts in the County of Amador, report the same back and recommend its passage.

BURNELL, for Committee.

Mr. Lovett made the following report :

MR. PRESIDENT :—The delegation to whom was referred Assembly bill No. 218, an Act to fix the compensation of the Assessor of Santa Cruz County, respectfully report that they have had the same under consideration, and recommend its passage.

LOVETT, for Delegation.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—Your Committee on Roads and Highways, to whom was referred Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, report the same back and recommend its passage.

LEONARD, Chairman.

Mr. Haswell made the following report :

MR. PRESIDENT :—Your special committee, to whom was referred Senate bill No. 213, an Act to define the boundary lines of Sutter County, beg leave to report it back, with amendment, and recommend its passage as amended.

HASWELL,  
For Sutter County.  
SMITH,  
GASKILL,  
For Butte County.

Mr. Meyers made the following report :

MR. PRESIDENT :—The San Joaquin delegation, to whom was referred Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money, have considered the same, and beg leave to report it back with the recommendation that it pass.

MEYERS, for Delegation.

Mr. Rush made the following report :

MR. PRESIDENT :—The special committee to whom was referred Senate bill No. 98, have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

RUSH, for Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 11th, 1864. }

MR. PRESIDENT :—The Assembly, on the eighth instant, passed Assembly bill No. 124, an Act to provide for the support of the Fire Department of the City of Sacramento ;

Also, same day, passed Assembly bill No. 209, an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two ;

Also, same day, passed Assembly bill No. 212, an Act amendatory of an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved February nineteenth, eighteen hundred and sixty-two ;

Also, on the tenth instant, passed Assembly bill No. 221, an Act for the relief of Miss M. H. Bowne ;

Also, same day, passed Assembly bill No. 225, an Act to appropriate money to pay the claim of T. R. Eldredge and Manuel Torres, for translating laws into Spanish ;

Also, on the eighth instant, passed Assembly bill No. 228, an Act repealing an Act entitled an Act concerning the office of County Clerk in the County of Yolo, approved April fourteenth, eighteen hundred and sixty-three, and restoring former Act ;

Also, on the tenth instant, passed Assembly bill No. 242, an Act to authorize the Board of Supervisors of the County of Sacramento to fund certain claims ;



Also, same day, passed Assembly bill No. 251, an Act to make the salary of the District Attorney of San Joaquin County payable monthly;

Also, on the ninth instant, passed Assembly bill No. 260, an Act to authorize the successors in office of James F. Kennedy, deceased, late Sheriff of Santa Clara County, to execute deeds in certain cases.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 251, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 242, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 260, above reported, read first and second times, rules suspended, bill considered as in Committee of the Whole, reported back without amendment, rules further suspended, bill read third time, and passed.

Assembly bill No. 212, above reported, read first and second times, rules suspended, bill considered as in Committee of the Whole, reported back without amendment, rules further suspended, bill read third time, and passed.

Assembly bill No. 228, above reported, read first and second times, and placed on file.

Assembly bill No. 209, above reported, read first and second times, and placed on file.

Assembly bill No. 124, above reported, read first and second times, and placed on file.

Assembly bill No. 221, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 225, above reported, read first and second times, and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Haswell, for an Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

By Mr. Heacock, for an Act to authorize certain parties to straighten and clear the channel of Owens River, in Mono County.

Read first and second times, and referred to the Mono and Tuolumne delegation.

By Mr. Shafter, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, rules further suspended, bill considered engrossed, read third time, and passed.

By Mr. Tuttle, for an Act to authorize George G. Lee and his asso-

ciates to construct a wagon road from the Town of San Bernardino to Little Bear Valley, in San Bernardino County.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. McMurtry, for an Act to regulate interest on money.

Read first and second times, and referred to a special committee of five.

The President appointed as said committee Messrs. Smith, Hartson, Crane, Shafter, and Jones.

The Assistant Secretary was granted indefinite leave of absence.

#### RESOLUTIONS.

Mr. Evans offered the following resolution :

WHEREAS, The Senate State Hospital Committee have, pursuant to the direction of the Senate, visited and examined the State Reform School at Marysville, and the State Insane Asylum at Stockton ; and WHEREAS, There are propositions before the committee to make the State Reform School a branch Insane Asylum for the care of the harmless, idiotic, and hopelessly insane, such as would properly come under the head of State paupers, and to remove the children at the Reform School to the Industrial School at San Francisco ; therefore,

*Resolved*, That the Senate State Hospital Committee be and they are hereby authorized and instructed to visit the Industrial School at San Francisco, and examine the same, to the end that they may be able to act and report intelligibly to the Senate upon the whole subject matter.

Resolution adopted.

On motion of Mr. Shafter, Assembly concurrent resolutions No. 13, indorsing the measures of the National Administration, etc., were taken up.

Mr. Shafter moved that the Senate recede from its amendment to subdivision tenth, resolution third, and adopt in place thereof an amendment to strike out all after the word "Union," in said subdivision.

The motion prevailed.

The question being on Mr. Shafter's motion, to wit : and that the Senate insist upon the residue of their amendments, and request a new committee of conference upon the disagreeing vote between the two Houses.

Mr. Pierce offered a substitute to the above.

The Chair decided the substitute out of order.

Mr. Pierce appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Rush, and taken, with the following result :

AYES—Messrs. Benton, Cot. Crane, Cunningham, Dodge, Hale, Hall, Hartson, Haswell, Haskin, Jones, Lovett, Maddox, Meyers, Porter, Roberts, Shafter, Smith, and Wright—19.

NOES—Messrs. Buckley, Freeman, Hamilton, Montgomery, Pierce, and Rush—6.

So the Chair was sustained.

The question being on Mr. Shafter's motion to recede, etc., the ayes

and noes were demanded, by Messrs. Wright, Benton, and Maddox, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Freeman, Gaskill, Hale, Hall, Hamilton, Kutz, Meyers, Porter, Shafter, and Shepard—17.

NOES—Messrs. Foulke, Heacock, Haskin, Lovett, Maddox, McMurtry, Roberts, Smith, Wright, and Yule—10.

So the motion was adopted.

Mr. Foulke offered the following resolution:

*Resolved*, That the Senate Committee of Free Conference on Assembly resolutions No. 13, be and are hereby discharged, and a new committee of three be appointed, to meet a similar committee on the part of the Assembly.

Adopted.

The Chair appointed as said Committee of Free Conference on the part of the Senate, Messrs. Foulke, Roberts, and Yule.

#### GENERAL FILE.

Senate bill No. 72, an Act to provide for the collection of certain moneys due this State—the bill and amendments were ordered printed separately, and placed at top of file for Wednesday, February seventeenth.

Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three—the bill was further amended.

Mr. Shafter offered the following amendment to section nine, line five:

“And which shall neither be increased nor diminished more than twenty-five per cent from present rates.”

Mr. Hawes offered the following, as a substitute to the above:

“And which dockage shall not be increased above the present rates.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Haskin, and Gaskill, and taken, with the following result:

AYES—Messrs. Buckley, Hartson, Hawes, Haskin, and Porter—5.

NOES—Messrs. Benton, Burnell, Cot, Crane, Dodge, Evans, Gaskill, Hall, Hamilton, Haswell, Heacock, Jones, Meyers, Redington, Rush, Shafter, Shepard, Tuttle, and Wright—19.

So the substitute was lost.

On the adoption of Mr. Shafter's amendment, the ayes and noes were demanded, by Messrs. Hawes, Haskin, and Burnell, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Crane, Dodge, Evans, Foulke,

Gaskill, Hall, Hamilton, Haswell, Heacock, Jones, Kutz, Meyers, Redington, Roberts, Rush, Shafter, Shepard, Tuttle, and Wright—22.

NOES—Messrs. Buckley, Hartson, Hawes, and Haskin—4.

So the amendment was adopted.

Mr. Dodge moved to amend section nine, line three, by inserting after the word "wharfage" the words "shall be uniform and."

Lost.

Mr. Buckley moved to amend, by adding an additional section :

"SEC. 13. Section seventeen of said Act is hereby amended so as to read as follows :

"Section 17. The salary of each Commissioner shall be two hundred and fifty dollars per month; the salary of the Secretary shall be two hundred dollars per month. The said salaries shall be payable monthly, out of any moneys collected under this Act."

Mr. Wright moved to amend the amendment by striking out the word "two," and insert in place thereof the word "one."

The amendment to the amendment was lost.

The question being on the adoption of Mr. Buckley's amendment, the ayes and noes were demanded, by Messrs. Wright, Foulke, and Moyle, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Heacock, Jones, Lovett, Montgomery, Porter, Roberts, Shafter, Shepard, and Tuttle—21.

NOES—Messrs. Dodge, Hawes, Haskin, Kutz, Maddox, Meyers, Moyle, Redington, Rush, Smith, and Wright—11.

So the amendment was adopted, the rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 178, an Act for the relief of the State Agricultural Society—was taken up out of its order and a substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

Assembly bill No. 213, an Act changing the time for holding the County and Probate Courts in the County of Amador—was taken up, considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Mr. Hall, by leave, introduced a bill for an Act to provide for continuing the survey of the eastern boundary of the State of California.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Roberts, by leave, introduced a bill for an Act for the relief of John I. Sykes, County Auditor of Nevada County.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE RESUMED.

Senate bill No. 139, an Act entitled an Act to re-district the City and



County of San Francisco—on motion of Mr. Redington, the vote by which the Senate adopted section four was reconsidered, a substitute to section four adopted, and the bill ordered engrossed and read third time.

Assembly bill No. 132, an Act supplementary to an Act entitled an Act to amend an Act to limit the time for presentation of claims against counties, and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven, approved April eighth, eighteen hundred and sixty-three—substitute adopted, considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Mr. Kutz, by leave, introduced a bill for an Act to grant to Moses F. Hoyt and his associates the right to construct a toll road and bridge in Nevada County.

Read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. Evans, at four o'clock p. m., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, February 13th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Gallagher.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Messrs. McMurtry and Pierce.

## REPORTS.

Mr. Haswell, Chairman of the Committee on State Hospitals, made the following report :

MR. PRESIDENT:—Your Committee on State Hospitals, to whom was referred Assembly concurrent resolution No. 28, concerning the location of the Insane Asylum, beg leave to report the same back, with the recommendation that the Senate do *not* concur.

HASWELL, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 141, an Act concerning suits wherein the State is a party, having had the same under consideration, report it back, and recommend its passage ;

Also, Senate bill No. 106, an Act concerning elections, report the same back, and recommend that it be referred to the Committee on Elections.  
HARTSON, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight ;

Also, Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, eighteen hundred and fifty-eight, approved March eighth, eighteen hundred and sixty ;

Also, Senate substitute for Assembly bill No. 46, an Act to authorize mining companies or corporations to change their principal place of business ;

And the above bills were, on the twelfth day of February, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT :—The Committee on Federal Relations, to whom was referred the accompanying petitions of the Trades' Unions and certain mechanics and manufacturers within the City and County of San Francisco, beg leave to report thereon that, in their judgment, the questions involved therein have been definitely disposed of by the action of the Senate on Senate bill No. 47 ; wherefore they report the same back without recommendation.

HALE, Chairman.

Mr. Benton made the following report :

MR. PRESIDENT :—The Sacramento delegation have had under consideration Assembly bill No. 242, an Act to authorize the Board of Supervisors of the County of Sacramento to fund certain claims, report it back, and recommend its passage.

HEACOCK,  
BENTON.

Assembly bill No. 242, above reported, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, to whom was referred Assembly bill No. 155, an Act to authorize the issuance of a duplicate

bond and certificate to Robert M. Irving, have had the same under consideration, report the bill back, and recommend its passage;

Also, Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County, and report the same back, and recommend its passage;

Also, Assembly bill No. 152, an Act for the relief of Mary Bowie, and report the same back without recommendation;

Also, Senate bill No. 118, an Act supplemental to an Act to audit and allow the claim of T. J. A. Chambers, and report the same back without recommendation;

Also, Assembly bill No. 221, an Act for the relief of Miss M. H. Bowne, and report the same back, and recommend its passage.

JONES, Chairman.

Mr. Meyers made the following report:

Mr. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 251, an Act to make the salary of the District Attorney of San Joaquin County payable monthly, have had the same under consideration, report it back, and recommend its passage.

MEYERS, for Delegation.

Mr. Hawes made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 153, an Act to limit the time for the commencement of civil actions in certain cases, have had the same under consideration, report the same back, and recommend its passage without amendment.

HAWES, for Delegation.

Mr. Hartson made the following report:

Mr. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 174, an Act to submit the question of the removal of the county seat of Lake County to the qualified voters thereof, have had the same under consideration, and report the same back with the recommendation that it pass.

HARTSON, for Committee.

Assembly bill No. 174, above reported, was taken up, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 12th, 1864. }

Mr. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly bill No. 236, an Act to authorize the Guardian of Charles Thompson and Albert Thompson to sell and convey their real estate;

Also, this day, concurred in Senate amendments to Assembly bill No. 196, an Act supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

## ASSEMBLY CHAMBER,

February 13th, 1864. }

Mr. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly bill No. 206, an Act to authorize R. C. Kirby and others to construct and maintain a turnpike road from the Town of Santa Cruz to a point on or near the line of the San Francisco and San José Railroad, and to charge and collect tolls thereon;

Also, same day, passed Assembly bill No. 253, an Act to authorize Petra Silva de Pillot, Guardian of certain minors, to sell at private sale the lands and real estate of said minors.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 236, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 206, above reported, read first and second times, and referred to the Santa Cruz, Santa Clara, and Monterey delegations.

Assembly bill No. 253, above reported, read first and second times, and placed on file.

Senate bill No. 153, reported by Mr. Hawes, was taken up, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, bill considered engrossed, read third time, and passed.

Assembly concurrent resolution No. 28, reported by Mr. Meyers, was taken up.

Indefinite leave of absence was granted to the Committee on State Hospitals.

## EXECUTIVE SESSION.

The hour having arrived for the consideration of the Governor's messages, in the appointment of Messrs. Bidwill and Hueston as Brigadier-Generals—

On motion of Mr. Shafter, the Senate went into Executive Session for the confirmation of said appointments.

On the confirmation of John Bidwell as Brigadier-General, the roll was called, and the appointment confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Henry, Jones, Kutz, Leonard, Lovett, Maddox, Meyers, Montgomery, Moyle, Porter, Redington, Roberts, Rush, Shafter, Shepard, Tuttle, Wright, and Yule—32.

NOES—None.

On the appointment of John Hueston, Jr., the roll was called, and the appointment confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Henry, Jones, Kutz, Lovett, Maddox, Montgomery, Moyle, Porter, Redington, Roberts, Rush, Shafter, Shepard, Tuttle, and Wright—29.

NOES—None.



## IN SENATE.

On motion of Mr. Shafter, Senate bill No. 103, an Act relating to appeals, was taken from the table and ordered on file.

## GENERAL FILE.

Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents—considered as in Committee of the Whole, reported back without amendment, ordered engrossed and read third time.

Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County—read third time, and passed.

Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, and ordered engrossed and read third time.

Senate bill No. 151, an Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four—considered as in Committee of the Whole, reported back without amendment, ordered engrossed and read third time.

Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers—read third time, and passed.

Senate bill No. 67, an Act supplementary to an Act entitled an Act for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-two, and of an Act entitled an Act to provide for the location of School land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine—read third time, and passed.

Senate bill No. 143, an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co.—read third time, and passed.

Senate bill No. 150, an Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—by unanimous consent of the Senate the bill was amended, and read third time, and passed.

Messrs. Dodge and Redington were granted one day leave of absence, each, and indefinite leave was granted to Mr. Shafter.

Senate bill No. 98, an Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road—considered as in Com-

mittee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 27, an Act for the construction of a bridge across the Mokelumne River, at Benson's Ferry—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 172, an Act to extend the time of payment for certain lands—returned to file.

Assembly bill No. 228, an Act repealing an Act entitled an Act concerning the office of County Clerk in the County of Yolo, approved April fourteenth, eighteen hundred and sixty-three, and restoring former Acts—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 171, an Act to fix the time of holding the County Court and Probate Court in the County of Marin—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 201, an Act relating to costs in civil cases in Courts of justice in this State—returned to file.

Assembly bill No. 85, an Act for the relief of William B. Latham, Jr.,—amended, read third time, and passed.

On motion of Mr. Roberts, Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County—was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, bill considered engrossed, read third time, and passed.

Assembly bill No. 197, an Act to provide for assessing and collecting taxes in Alameda County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 114, an Act concerning the office of County Clerk of the City and County of San Francisco—returned to file.

Senate bill No. 199, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 121, an Act to reduce the penalty of the official bond of the Sheriff of Yuba County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 204, an Act to exempt active and exempt firemen from jury duty in the County of Nevada—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 156, an Act for the relief of Isaac F. Baker, Tax Collector of District Number Four, in and for Tuolumne County—read third time, and passed.

Senate bill No. 173, an Act to appropriate money to pay the claims of John Byrnes and others, for material furnished and labor performed in fitting up the Supreme Court Rooms, Judges' Chambers, Clerk's office, and Attorney-General's office—read third time, and passed.

Mr. Hale, by leave, introduced a bill for an Act for the relief of Levi Beck.

Read first and second times, and referred to the Committee on Claims.

Senate bill No. 7, an Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco—indeinitely postponed.

Assembly bill No. 181, an Act amendatory of and to extend the provisions of an Act entitled an Act authorizing John W. Sharp and his associates to construct and maintain a toll bridge from the eastern bank of the Sacramento River, near Georgiana Slough, to the Lower Stockton Road, near Benson's Ferry, in the County of Sacramento, approved April fourteenth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 51, an Act to exempt active and exempt firemen from jury duty in the City of Sacramento—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Hartson, by leave, introduced a bill for an Act to provide for collecting wharfage in Napa City.

Read first and second times.

On the motion to refer the bill to the Committee on Commerce and Navigation, the ayes and noes were demanded, by Messrs. Montgomery, Leonard, and Foulke, and taken, with the following result:

AYES—Messrs. Crane, Foulke, Gaskill, Hawes, Jones, Kutz, Maddox, Roberts, Rush, and Shepard—10.

NOES—Messrs. Benton, Burnell, Cunningham, Hale, Hall, Hartson, Heacock, Haskin, Leonard, Lovett, Montgomery, and Tuttle—12.

So the motion was lost.

Bill placed on file.

Also, for an Act to fix the salary of the Superintendent of Public Schools of Mendocino County.

Read first and second times, and placed on file.

Also, for an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April eighteenth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE RESUMED.

Assembly bill No. 92, an Act to amend an Act entitled an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two—returned to file.

Senate Bill No. 206, an Act to define the boundaries of Sacramento County—referred to the Committee on Counties and County Boundaries.

Mr. Montgomery made the following report:

MR. PRESIDENT:—The delegations from Monterey and Mariposa, to whom was referred Senate bill No. 202, an Act concerning the boundary line of Monterey County, report the same back to the Senate, and recommend that it be indefinitely postponed; and submit to the Senate the following reasons for such indefinite postponement:

The bill proposes to materially change the established boundary line of three counties, to wit: Merced, Monterey, and Stanislaus—these counties being connected by one and the same boundary line, which has



been long established, and definitely understood by the citizens and officers of the several counties. But one of the ranchos mentioned in the bill, the San Felipe, has been surveyed; the Rancho Gonzaga is a "floating grant," as yet unsurveyed, and of indefinite and uncertain boundary. These ranchos lie within the limits of all three of the counties, and extend from the boundary line of Monterey County, a distance of between twenty and thirty miles, into the Counties of Merced and Stanislaus. The bill proposes to extend the line of Monterey County, so that its boundary may conform to the undefined and imaginary limits of the Gonzaga Rancho. The effect of the passage of this bill will be to remove a well defined and long standing boundary line prescribing the territorial limits of three counties, and substituting therefor an unknown and visionary limit.

LOVETT,  
MONTGOMERY.

Senate bill No. 183, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 186, an Act amendatory of and supplemental to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento—read third time, and passed.

Senate bill No. 155, An Act relative to the office of County Treasurer of the County of Sacramento—read third time, and passed.

Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento—read third time, and passed.

Assembly bill No. 59, an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress—referred to the Committee on Federal Relations.

Senate bill No. 196, an Act supplemental to an Act entitled an Act to establish a Female Department in the County Jail in the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-three—returned to file.

Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco—returned to file.

Senate bill No. 110—returned to file.

Senate bill No. 127—returned to file.

Senate bill No. 210—returned to file.

Senate bill No. 198—returned to file.

Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes, ordered second on file for Tuesday, February sixteenth.

Senate bill No. 102, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

On the motion to return the bill to the file, the ayes and noes were demanded, by Messrs. Hawes, Crane, and Roberts, and taken, with the following result:



AYES—Messrs. Crane, Cunningham, Hale, Hall, Hamilton, Hartson, Hawes, Heacock, Lovett, Porter, and Tuttle—11.

NOES—Messrs. Burnell, Foulke, Gaskill, Haskin, Jones, Kutz, Leonard, Maddox, Montgomery, Roberts, Rush, and Shepard—12.

So the motion was lost.

Mr. Hale moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Hawes, Heacock, and Foulke, and taken, with the following result:

AYES—Messrs. Crane, Cunningham, Hale, Hall, Hamilton, Hartson, Hawes, Heacock, Lovett, Porter, and Rush—11.

NOES—Messrs. Burnell, Foulke, Gaskill, Haskin, Jones, Kutz, Leonard, Maddox, Montgomery, Roberts, Shepard, and Tuttle—12.

So the motion to adjourn was lost.

Mr. Hawes moved to refer the bill to the Committee on Mines and Mining Interests.

Motion lost.

On motion of Mr. Hartson, at four o'clock P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, February 15th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Leave of absence was granted to Mr. Wright for two days, and to Mr. Moyle for one day.

Journal of Saturday last was read and approved.

## REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 225, an Act to appropriate money to pay the claim of T. R. Eldredge and Manuel Torres for translating laws into Spanish, have had the same under consideration, report it back, and recommend its passage;

Also, Assembly bill No. 81, an Act to provide for the payment of the claim of H. H. Bancroft & Co., report the same back, and recommend its passage.

JONES, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 129, an Act to re-district the City and County of San Francisco;

Also, Senate bill No. 217, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 48, an Act concerning offices.

ROBERTS, Chairman.

Mr. Hartson made the following report:

Mr. PRESIDENT:—The committee to whom was referred Assembly bill No. 177, an Act to amend an Act entitled an Act to authorize and require the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a special tax for the purpose of improving and repairing the public highway connecting Napa City with Lakeport, have had the same under consideration, report the same back with amendments, and recommend its passage as amended.

HARTSON, for Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 13th, 1864. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly has this day passed Senate bill No. 57, an Act supplementary to an Act entitled an Act defining the time of commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 15th, 1864. }

Mr. PRESIDENT:—The Assembly, on the thirteenth day of February, eighteen hundred and sixty-four, passed Assembly bill No. 14, an Act concerning jurors;

Also, on the twelfth instant, passed Assembly bill No. 129, an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 129, above reported, read first and second times, and referred to the Nevada delegation.

Assembly bill No. 14, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Leonard introduced a bill for an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties.

Read first and second times, and referred to the Calaveras and San Joaquin delegations.

#### RESOLUTIONS.

Mr. Kutz offered the following resolution :

*Resolved*, That the Secretary of the Senate be authorized and required to separate all bills of a general nature from those of a special or local character, and arrange two General Files, one to be composed exclusively of bills of a general, and the other of bills of a special or local character; and the file of special bills, when so arranged, shall be the General File for Monday and Saturday of each week, and shall be considered at no other time, unless the Senate by a vote of two thirds otherwise directs.

Laid on the table.

Mr. Hawes offered the following resolution :

*Resolved*, That the Nineteenth Standing Rule of the Senate be amended, by adding, in continuation thereof, the following clause :

"No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken, nor then, unless notice of intention to move a reconsideration shall have been given on the same day when such vote was taken."

Laid on the table.

#### GENERAL FILE.

Senate bill No. 102, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—ordered to top of file for Thursday, February eighteenth.

Assembly bill No. 252, an Act to define the legal distances from the county seat of Lake County to the Capital, Lunatic Asylum, and State Prison—referred to the Finance Committee.

Assembly bill No. 211, an Act to legalize the assessments made in the County of San Diego—laid on the table.

Senate bill No. 144, an Act concerning suits wherein the State is a party—taken up out of its order, considered as in Committee of the Whole, reported back without amendment, ordered engrossed and read third time.

Assembly bill No. 234—returned to file.

Assembly bill No. 169, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 117, an Act to exempt from forced sale certain property—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 218, an Act to fix the compensation of the Assessor of Santa Cruz County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 210, an Act to amend an Act entitled an Act con-

cerning estrays and animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly concurrent resolution No. 9, concerning disposition of lands of the Nome Lackee Reservation—concurred in.

Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—the Senate receded from its substitute adopted February second, and the bill was returned to the file.

Assembly bill No. 178, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—recommitted to the Judiciary Committee.

Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three—recommitted to Mr. Hartson, with instructions to insert the word "Porter."

Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also, to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five—read third time, and passed.

Senate bill No. 187, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 166, an Act concerning the District Courts of this State—read third time, and passed.

Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough—read third time, and passed.

Senate bill No. 145—returned to file.

Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 213, an Act to define the boundary lines of the County of Sutter—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, the bill ordered engrossed and read third time.

Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 181, an Act amendatory of and supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the various Acts amendatory of and supplemental to the same—indefinitely postponed.

Senate bill No. 209, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, and returned to file.



Senate bill No. 108—returned to file.

Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lots in Sacramento—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 202, an Act to authorize the Administrator of the estate of Josiah B. Royal, deceased, to sell the property of said estate at public or private sale—read third time, and passed.

Assembly bill No. 209, an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 124, an Act to provide for the support of the Fire Department of the City of Sacramento—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 172—returned to file.

Senate bill No. 201—returned to file.

Assembly bill No. 114—returned to file.

On motion of Mr. Kutz, at two o'clock P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, February 16th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

Mr. Smith moved to reconsider the vote by which the Senate on yesterday passed Assembly bill No. 209, an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

The motion prevailed.

On the motion to reconsider the vote by which the bill was ordered read a third time, the ayes and noes were demanded, by Messrs. Hawes, Moyle, and McMurtry, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Freeman, Hall, Haswell, Heacock, Haskin, Jones, Leonard, Lovett, Redington, Roberts, Smith, and Wright—17.

NOES—Messrs. Cot, Foulke, Gaskill, Hale, Hamilton, Hartson, Hawes,

Henry, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Rush, Shafter, Shepard, and Tuttle—18.

So the motion was lost.  
The bill passed.

#### PETITIONS.

Mr. Roberts presented a petition of citizens of Nevada County, relative to partition fences.

Laid on the table.

Mr. Cunningham presented a petition of Alexander Gibson, asking relief for materials furnished the State Reform School.

Referred to the Committee on Claims.

#### REPORTS.

Mr. Heacock, Chairman of the Committee on State Library, made the following report:

MR. PRESIDENT:—The Committee on State Library, to whom was referred Senate bill No. 191, an Act supplementary to an Act to provide for the maintenance and supervision of the Common Schools, approved April sixth, eighteen hundred and sixty-three, report the same back, without amendment, and recommend its passage.

HEACOCK, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 98, (Senate substitute,) an Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five;

Also, Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issue of patents;

Also, Senate bill No. 204, an Act to exempt active and exempt firemen from jury duty in the County of Nevada.

ROBERTS, Chairman.

Mr. Cot, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 70, an Act to authorize the removal of the office and principal place of business of mining and other corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California;

And this day, February fifteenth, eighteen hundred and sixty-four, delivered the same to the Governor for his approval.

Also, Senate concurrent resolution No. 1, relative to the seat held in the United States Senate by Honorable James A. McDougall.

COT, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 215, an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, have had the same under consideration, report it back amended, and recommend its passage as amended.

HARTSON, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to the State for a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto, have had the same under consideration, report it back, and recommend its passage ;

Also, Assembly bill No. 133, an Act to amend an Act entitled an Act to amend an Act entitled an Act relating to the levying of taxes, approved May fifteenth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, report it back, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Roberts made the following report :

Mr. PRESIDENT :—Your Committee, to whom was referred Senate bill No. 152, an Act to amend an Act concerning Attorneys and Counsellors at Law, would report the same back, with a substitute, and recommend the adoption of the substitute.

ROBERTS, for Committee.

Mr. Leonard made the following report :

Mr. PRESIDENT :—The Calaveras and San Joaquin delegations, to whom was referred Senate bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties, having had the same under consideration, report the same back, and recommend its passage.

LEONARD,  
MEYERS.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 15th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 79, an Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory and supplementary thereto ;

Also, Senate bill No. 78, an Act to legalize certain records in the office of the Recorder of Placer County;

Also, Senate bill No. 113, an Act to authorize the Board of Supervisors of El Dorado County to sell certain property;

Also, Senate bill No. 81, an Act to amend an Act entitled an Act concerning certified copies of certain instruments in writing, passed April twenty-ninth, A. D. one thousand eight hundred and fifty-seven;

Also, Senate bill No. 111, an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight;

Also, Senate bill No. 46, an Act to authorize mining companies or corporations to change their principal place of business;

Also, Senate bill No. 112, an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, one thousand eight hundred and fifty-eight, approved March eighth, one thousand eight hundred and sixty.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 16th, 1864. }

MR. PRESIDENT:—The Assembly, on the fifteenth instant, passed Assembly bill No. 208, an Act to appropriate money to pay the claim of Benjamin P. Avery;

Also, Assembly bill No. 229, an Act to prevent the destruction of timber on the Public Lands of this State;

Also, on same day, concurred in Senate amendment to Assembly bill No. 85, an Act for the relief of Wm. B. Latham, Jr.;

Also, on same day, passed Senate bill No. 104, an Act to repeal a certain Act;

Also, on same day, passed Senate bill No. 159, an Act to appropriate money to pay the claim of A. Blossom.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 208, above reported, was read first and second times, and referred to the Committee on Claims.

Assembly bill No. 229, above reported, was read first and second times, and referred to the Committee on Public Lands.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith, for an Act to extend the time to construct a toll bridge across Feather River, near Oroville, in Butte County.



Read first and second times, and placed on file.

By Mr. Yule, for an Act making an appropriation for the payment of the expenses growing out of the indictment and trial of Henry Bates.

Read first and second times, and referred to the Committee on Claims.

By Mr. Crane, for an Act to amend an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cunningham, for an Act for the relief of Henry Swanholm.

Read first and second times, and referred to the Committee on Claims.

By Mr. Shafter, for an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hawes' resolution amending Rule Nineteen was taken up, and again laid on the table.

Mr. Yule presented a communication from the State Geologist, naming Thursday evening next, February eighteenth, as a convenient time for him to respond to the invitation of the Legislature to address them "on matters pertaining to the State Geological Survey."

#### GENERAL FILE.

Senate bill No. 124, an Act taxing alien Chinese for the purpose of sustaining police regulations in the several counties of this State—considered as in Committee of the Whole, and reported back without amendment.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Crane, Cunningham, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Freeman, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Henry, Haskin, Jones, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Rush, Shafter, and Shepard—26.

NOES—Messrs. Heacock and Wright—2.

So the bill was indefinitely postponed.

Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with amendments, and ordered to top of file for to-morrow, February seventeenth.

Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes—substitute adopted, considered as in Committee of the Whole, reported back with amendments, and the bill and amendments ordered printed separately, and ordered to top of the file for Wednesday, February twenty-fourth, eighteen hundred and sixty-four.

On motion of Mr. Crane, at three o'clock and forty minutes P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 17th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

Leave of absence for one day was granted to Mr. Gaskill.

Mr. Shafter presented a petition of citizens of San Francisco, relative to the pilot law.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 154, an Act supplementary to the Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, have had the same under consideration, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April eighteenth, eighteen hundred and sixty-two, have had the same under consideration, report the same back, and recommend its passage;

Also, Assembly bill No. 178, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, have had the same under consideration, report the same back amended, and recommend its passage as amended;

Also, Assembly bill No. 123, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, have had the same under consideration, report the same back, and recommend its indefinite postponement;

Also, Senate bill No. 185, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty, have had the same under consideration, report the same back, and recommend its passage;

Also, Assembly bill No. 14, an Act concerning jurors, have had the same under consideration, report the same back, and recommend its indefinite postponement;

Also, Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, passed May twentieth, eighteen hundred and sixty-one, have had the same under consideration, report the same back with a substitute, and recommend the passage of the substitute.

• HARTSON, Chairman.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company, have had the same under consideration, and report the same back without recommendation.

SMITH, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report:

MR. PRESIDENT:—The Committee on Public Morals have considered Senate bill No. 119, an Act to amend an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one, and a majority of the committee recommend its passage;

Also, have had under consideration Senate bill No. 177, an Act to prohibit the furnishing and delivery of bread and other articles on the Sabbath, and a majority of the committee recommend its passage;

Also, have had under consideration Assembly bill No. 198, and recommend its passage.

MADDOX, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 145, an Act concerning roads and highways, have had the same under consideration, report the same back without amendment, and recommend its passage.

LEONARD, Chairman.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 45, an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of animals trespassing upon private property, have had the same under consideration, and a majority of the committee report it back, and recommend its passage.

MEYERS, Chairman

Assembly bill No. 45, above reported, was ordered to top of file for Thursday, February twenty-fifth, eighteen hundred and sixty-four.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 151, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four ;

Also, Senate bill No. 153, an Act to limit the time for the commencement of civil actions in certain cases ;

Also, Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road ;

Also, Senate bill No. 199, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County.

ROBERTS, Chairman.

Mr. Dodge made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City and County of San Francisco, have had the same under consideration, and report the same back without amendment, and recommend its passage.

DODGE, for Delegation.

Mr. Hartson made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three, with special instructions, beg leave to report the same back, having complied with the instructions.

HARTSON, for Committee.

Mr. Foulke made the following report :

MR. PRESIDENT :—Your Committee of Free Conference on the disagreement between the Senate and Assembly, concerning certain Senate amendments to Assembly concurrent resolutions No. 13, respectfully beg leave to submit the following report :

After due deliberation and consideration of numerous propositions advanced, the following conclusions were arrived at by the two committees :

*First*—That the Senate should recede from their three first amendments, which are : 1st, to strike out the words "the political heresy" in the second line printed copy, and substitute the words "as heretical the claim ;" 2d, to strike out the words "when brought in conflict with" in second line printed copy, and substitute the words "as paramount to ;" 3d, to strike out after the word "sphere" the word "but" in third line printed copy ; and that the Assembly should accept the fourth, which is, to strike out the word "and" after the word "Government" in sixth line printed copy.



*Second*—That the Senate should recede from their amendments to subdivisions third and fourth in resolution third, which are: 1st, in the third subdivision, after the word "the" add the words "policy of the;" also, to strike out the word "act" and substitute "laws;" 2d, in the fourth subdivision, after the word "the" add the words "policy of the."

*Third*—That the following substitute should be adopted in lieu of the eighth subdivision of resolution third, to wit: "We indorse the financial policy of the Government, and the legal tender law, as the great administration measures for successfully carrying on the war against the rebellion, and which we pledge ourselves to defend and uphold."

*Fourth*—That the Assembly should accept Senate amendment to the tenth subdivision of resolution third, which is, to strike out all after the word "Union" in the first line printed copy.

*Fifth*—That the following substitute should be adopted in lieu of seventh subdivision of resolution fifth: "Because it precludes the possibility of any peace which shall acknowledge the existence or the re-establishment of slavery in any part of the rebellious territory covered by the Emancipation Proclamation."

*Sixth*—That the following substitute should be adopted in lieu of resolution seven: "That we indorse that construction of the confiscation law which has for its object the unconditional forfeiture of the property of rebels, and our Senators are hereby instructed and our Representatives in Congress requested to urge its adoption."

*Seventh*—That the Assembly should accept Senate amendment to resolution tenth, which is, to strike out, after the word "invoke" in the fifth line printed copy, the words "him to adopt."

All of which is respectfully submitted for the consideration of the Senate.

FOULKE,  
Chairman Senate Committee.  
TEARE,  
Chairman Assembly Committee.

The rules were suspended, the report taken up for consideration, and adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 16th, 1864. }

Mr. PRESIDENT:—The Assembly this day passed Senate bill No. 135, an Act relating to powers of attorney;

Also, passed Assembly bill No. 216, an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools;

Also, indefinitely postponed Senate bill No. 15, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof;

Also, passed Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof;

Also, passed Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 216, above reported, was read first and second times, and referred to the Committee on Education.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Meyers, for an Act to amend an Act entitled an Act to provide for the better encouragement of the culture of the vine and olive.

Read first and second times, and referred to the Committee on Education.

By Mr. Shafter, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cunningham, for an Act concerning fines.

Read first and second times, and referred to the Finance Committee.

Also, for an Act concerning the State revenue.

Read first and second times, and referred to the Finance Committee.

Mr. Roberts offered the following resolution :

*Resolved*, That his Excellency the Governor be requested to transmit by telegraph the substance of Assembly concurrent resolutions No. 13, to our Senators and Representatives in Congress.

Adopted.

#### GENERAL FILE.

Senate bill No. 72, an Act for the collection of certain moneys due this State—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, excepting the motion to strike out the proviso in section four.

On which, the ayes and noes were demanded, by Messrs. Hawes, Dodge, and Moyle, and taken, with the following result :

AYES—Messrs. Benton, Crane, Cunningham, Hale, Hamilton, Hartson, Haswell, Heacock, Haskin, Lovett, McMurtry, Moyle, Roberts, Shepard, and Smith—15.

NOES—Messrs. Cot, Dodge, Hawes, Maddox, Redington, Rush, Shafter, and Yule—8.

So the amendment was concurred in.

Mr. Shafter moved to amend section six, line two, of printed bill: to strike out the word "since," and all after, to the word "sold," in line three, and insert "and within three years next before the passage of this Act."

The amendment was lost.

The bill was ordered engrossed and read third time.

On motion of Mr. Rush, Assembly bill No. 249, an Act to provide for funding the indebtedness of Tehama County, was taken from Assembly messages, read first and second times, and referred to the Tehama delegation.

Mr. Freeman, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front of the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three ;

Also, Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two.

FREEMAN, for Committee.

#### GENERAL FILE RESUMED.

Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

The question being on the concurrence in amendments made in Committee of the Whole, Mr. Benton moved that the Senate do not concur in the amendment to insert after the word "fire," in section two, line two, the words "marine, fire, and marine and life."

The motion prevailed.

The remaining amendments were concurred in.

Mr. Benton moved to suspend the rules, consider the bill engrossed, and place it on its final passage.

On which, the ayes and noes were demanded, by Messrs. Heacock, Crane, and Dodge, and taken, with the following result :

AYES—Messrs. Benton, Cunningham, Dodge, Freeman, Hale, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Lovett, McMurtry, Montgomery, Redington, Smith, Tuttle, Wright, and Yule—19.

NOES—Messrs. Cot, Crane, Kutz, Roberts, Shafter, and Shepard—6.

So the rules were suspended, and the bill considered engrossed, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Crane, Foulke, and Hale, and taken, with the following result :

AYES—Messrs. Benton, Cot, Cunningham, Dodge, Foulke, Freeman, Hale, Hamilton, Haswell, Heacock, Henry, Leonard, Lovett, McMurtry, Meyers, Porter, Redington, Shafter, Smith, Tuttle, and Wright—21.

NOES—Messrs. Crane, Hartson, and Rush—3.

So the bill passed.

On motion of Mr. Henry, Assembly bill No. 225, an Act to appropriate money to pay the claim of T. R. Eldredge and Manuel Torres, for translating laws into Spanish, was taken from its order on the file, considered

as in Committee of the Whole, reported back without amendment, and laid on the table.

Senate bill No. 196—returned to file.

Assembly bill No. 92, an Act to amend an Act entitled an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 110, an Act authorizing the Board of Supervisors of Sierra County to construct a wagon road, and to provide for the payment of the same—substitute adopted, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 127, an Act amendatory of the Act regulating proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and the Acts amending the same—considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 57, an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.

And the same was, this day, February seventeenth, A. D. eighteen hundred and sixty-four, at two o'clock M., delivered to the Governor for his approval.

MOYLE, Chairman.

#### GENERAL FILE RESUMED.

Senate bill No. 210, an Act concerning the recording of certificates of incorporation, and the arrangements of the archives of State in the office of the Secretary of State—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 198, an Act to provide for two additional Clerks in the office of the Secretary of State—indefinitely postponed.

Senate bill No. 228, an Act to fix the salary of the Superintendent of Public Schools of Mendocino County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 106, an Act concerning elections—indefinitely postponed.

Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two—indefinitely postponed.



On motion of Mr. Benton, at four o'clock and fifteen minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 18th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

Mr. Redington presented a petition of citizens of San Francisco relating to Schools.

Referred to the Committee on Education.

## REPORTS.

Mr. Crane, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred Assembly bill No. 216, an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools, having had the same under consideration, report it back, and recommend the passage of the bill.

CRANE, Chairman.

Mr. Meyers made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 183, an Act in relation to the office of County Superintendent of Common Schools of the County of San Joaquin, have considered the bill, and beg leave to report it back to the Senate, and recommend its passage.

MEYERS, for Delegation.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands have had under consideration Assembly bill No. 229, an Act to prevent the destruction of timber on the Public Lands in this State, and report the same back, with the recommendation that it pass.

WRIGHT, Chairman.

Mr. Benton made the following report :

Mr. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 192, an Act concerning the office of Auditor of the County of Sacramento, report the same back, with a substitute, and recommend the passage of the substitute.

BENTON,  
HEACOCK.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 17th, 1864. }

Mr. PRESIDENT :—The Assembly, on the fifteenth instant, passed Assembly bill No. 185, an Act to amend an Act concerning the office of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine ;

Also, same day, passed Assembly bill No. 230, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, so far as the same relates to Mendocino County, and to legalize the election of certain officers, and to provide for their term of office ;

Also, same day, passed Assembly bill No. 235, an Act relative to Justices of the Peace in the City of Stockton ;

Also, same day, passed Assembly bill No. 237, an Act to divide the County of Placer into Supervisor and Revenue Districts, and to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith ;

Also, on the tenth instant, passed Assembly bill No. 249, an Act to provide for funding the indebtedness of Tehama County ;

Also, on the fifteenth instant, passed Assembly bill No. 262, an Act to authorize the payment of the claim of John T. Diossy, for collating and compiling the revenue laws of this State ;

Also, same day, passed Assembly bill No. 265, an Act to fix the compensation of the Board of Supervisors of Fresno County ;

Also, same day, passed Assembly bill No. 280, an Act to amend an Act concerning Teachers of Common Schools in this State ;

Also, this day, passed Assembly bill No. 281, an Act concerning the official bond of the County Clerk, Sheriff, Recorder, and Auditor, the Assessor, and Superintendent of Common Schools of the County of San Luis Obispo.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 17th, 1864. }

Mr. PRESIDENT :—I am directed by the Assembly to inform the Senate that the Assembly has, this day, adopted the report of the Committee of Free Conference on the disagreeing vote on Assembly concurrent resolutions No. 13, indorsing all the measures of the National Administration to suppress the rebellion, returning thanks to the army and navy, and re-affirming the unswerving loyalty of the State of California ;

Also, this day, adopted Assembly concurrent resolution No. 29, grant-

ing A. J. Barber, Assessor elect of Placerville Township, El Dorado County, leave of absence to leave this State, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 185, above reported, read first and second times, and placed on file.

Assembly bill No. 230, above reported, read first and second times, and referred to the Mendocino delegation.

Assembly bill No. 235, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 237, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 262, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 265, above reported, read first and second times, and referred to the Fresno and Tulare delegation.

Assembly bill No. 280, above reported, read first and second times, and referred to the Committee on Education.

Assembly bill No. 281, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Senate concurred in Assembly concurrent resolution No. 29, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Smith, for an Act supplemental to an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Act amendatory thereof, approved April tenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Burnell, for an Act to extend the provisions of certain Acts to Township Number Four, in Amador County.

Read first and second times, and placed on file.

Also, for an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and ordered transmitted to the Assembly immediately.

On motion of Mr. Roberts, Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company, was taken from its order on the file, and referred to Mr. Foulke.

Mr. Crane moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two.

Carried.

The bill was ordered on file.

Mr. Hawes was, at his request, relieved from longer serving as a member of the Committees on Finance, Roads and Highways, and Military Affairs.

Mr. Freeman, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two ;

Also, Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties ;

Also, Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money.

FREEMAN, for Committee.

#### GENERAL FILE.

Senate bill No. 102, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Hawes offered the following amendment : Strike out all after the enacting clause, and insert the following—"All provisions of law exempting mining claims from taxation are hereby repealed, so far as they apply to mines or lands in the condition of private property, and which have been duly granted as such by the Spanish or Mexican Government, or the Government of the United States, or of this State."

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Roberts, and Yule, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Cunningham, Dodge, Hale, Hawes, Henry, Leonard, Lovett, McMurtry, Porter, Redington, Shafter, and Tuttle—14.

NOES—Messrs. Evans, Foulke, Freeman, Gaskill, Hamilton, Hartson, Haswell, Haskin, Jones, Kutz, Montgomery, Moyle, Roberts, Rush, Shepard, Wright, and Yule—17.

Mr. Gaskill offered the following amendment : Strike out all after the enacting clause, and insert the following—"All the provisions of law exempting mining claims from taxation are hereby repealed, so far as they apply to mines located upon lands held under grants from the Spanish or Mexican Government, or under patents from the Government of the United States, or of this State."

On which, the ayes and noes were demanded, by Messrs. Hale, McMurtry, and Hawes, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Cunningham, Dodge, Gaskill, Hale, Hartson, Hawes, Henry, Lovett, McMurtry, Meyers, Porter, Redington, and Shafter—16.

NOES—Messrs. Burnell, Evans, Foulke, Freeman, Hamilton, Haswell, Haskin, Jones, Kutz, Leonard, Maddox, Montgomery, Moyle, Roberts, Rush, Shepard, Wright, and Yule—18.

So the amendment was rejected.

On the motion to indefinitely postpone the bill, the ayes and noes



were demanded, by Messrs. Yule, Foulke, and Moyle, and taken, with the following result :

**AYES**—Messrs. Burnell, Evans, Foulke, Freeman, Gaskill, Hamilton, Haswell, Henry, Haskin, Jones, Kutz, Leonard, Maddox, Montgomery, Moyle, Roberts, Rush, Shepard, Wright, and Yule—20.

**NOES**—Messrs. Buckley, Cot, Dodge, Hale, Hartson, Hawes, Lovett, McMurtry, Meyers, Porter, Redington, and Shafter—12.

So the bill was indefinitely postponed.

Mr. Gaskill gave notice of a motion to reconsider the above vote.

On motion of Mr. Jones, Assembly bill No. 225, an Act to appropriate money to pay the claim of T. R. Eldredge and Manuel Torres, for translating laws into Spanish, was taken from the table—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Indefinite leave of absence was granted to Mr. Lovett.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

**MR. PRESIDENT**:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers;

Also, Senate bill No. 159, an Act to appropriate money to pay the claim of A. Blossom;

Also, Senate bill No. 135, an Act relating to powers of attorney;

Also, Senate bill No. 104, an Act to repeal an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, and to indemnify citizens of this State for losses sustained by Indian depredations, passed April twenty-seventh, eighteen hundred and sixty-three.

And the above bills were, this the eighteenth day of February, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered to the Governor for his approval.

**MOYLE, Chairman.**

Assembly bill No. 253, an Act to authorize Petra Silvia de Pillot, Guardian of certain minors, to sell at private sale the lands and real estate of said minors—referred to the Judiciary Committee.

Assembly bill No. 221, an Act for the relief of Miss M. H. Bowne—referred to the Tuolumne delegation.

Assembly bill No. 251, an Act to make the salary of the District Attorney of San Joaquin County payable monthly—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 155, an Act to authorize the issuance of a duplicate bond and certificate to Robert M. Irving—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 152, an Act for the relief of Mary Bowie—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 154, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and

fifty—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 234, an Act to authorize Lucian B. Healey to sell certain real estate—referred to the Judiciary Committee.

Senate bill No. 145, an Act supplementary to an Act entitled an Act for the protection of water companies, approved May eighteenth, eighteen hundred and sixty-one—referred to the Judiciary Committee.

Senate bill No. 209, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back, with an amendment, amendment concurred in.

Mr. Gaskill moved to amend as follows: Strike out all after the enacting clause, and insert the following:

“SECTION 1. All Acts or parts of Acts which authorize the appointment of District Court Reporters are hereby repealed so far as they relate to that subject.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Roberts, Montgomery, and Dodge, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Dodge, Gaskill, Hartson, Henry, Haskin, Kutz, Leonard, Maddox, McMurtry, Meyers, Montgomery, Redington, Roberts, Shafter, and Shepard—17.

NOES—Messrs. Buckley, Cot, Freeman, Hall, Hamilton, Hawes, Rush, Smith, and Wright—9.

So the amendment was adopted.

Mr. Hawes now moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Hawes, Dodge, and Buckley, and taken, with the following result:

AYES—Messrs. Buckley, Cot, Evans, Freeman, Hall, Hamilton, Hawes, Heacock, Henry, Kutz, Montgomery, Moyle, Porter, Rush, Shafter, and Smith—16.

NOES—Messrs. Benton, Burnell, Cunningham, Dodge, Gaskill, Hartson, Haskin, Leonard, Maddox, McMurtry, Meyers, Redington, Roberts, Tuttle, and Wright—15.

So the bill was indefinitely postponed.

Senate bill No. 108, an Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, and engrossment and third reading refused.

Senate bill No. 172, an Act to extend the time of payment for certain lands—indefinitely postponed.

Senate bill No. 201, an Act relating to costs in civil cases in the Courts of justice in this State—ordered engrossed and read third time.

Assembly bill No. 114, an Act concerning the office of County Clerk in the City and County of San Francisco—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 139, an Act to re-district the City and County of San Francisco—read third time, and passed.

Mr. Hartson moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Montgomery, Gaskill, and Foulke, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Maddox, Moyle, Porter, Redington, Shepard, Smith, Tuttle, and Wright—16.

NOES—Messrs. Benton, Cot, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hamilton, Hawes, Henry, Kutz, Leonard, McMurtry, Meyers, Montgomery, Roberts, Rush, Shafter, and Yule—20.

So the motion was lost.

Senate bill No. 48, an Act concerning offices.

Mr. Hawes moved to commit to the Senator from Tuolumne, Mr. Evans, with instructions to amend by striking out all after the enacting clause, and inserting the following:

“The Governor, Secretary of State, and Attorney-General shall have power, for sufficient cause, and upon hearing, to remove from office any person holding office by appointment from the Governor alone. Reasonable notice in writing shall be given to the incumbent, of such intended removal, and of the specific causes or grounds alleged therefor, as also of the time and place appointed for his defence. Of the reasonableness of notice, and the sufficiency of the causes or grounds for removal, the Governor, Secretary of State, and Attorney-General shall be the exclusive judges.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Cot, and taken, with the following result:

AYES—Messrs. Cot, Cunningham, Dodge, Foulke, Freeman, Hale, Hamilton, Hawes, Kutz, Maddox, McMurtry, Meyers, Montgomery, Porter, Roberts, Rush, Shafter, and Yule—18.

NOES—Messrs. Benton, Burnell, Evans, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Leonard, Moyle, Redington, Smith, Tuttle, and Wright—15.

So the motion was adopted.

At four o'clock and thirty minutes p. m., on motion of Mr. Hartson, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 19th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Leave of absence was granted for one day to Messrs. Shepard, Jones, Burnell, Meyers, Tuttle, and Foulke; and indefinite leave to Messrs. Henry, Hamilton, and Gaskill.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

The President announced the following appointments to fill vacancies on committees, occasioned by the resignation of Mr. Hawes:

On Committee on Finance—Mr. Buckley.

On Committee on Roads and Highways—Mr. McMurtry.

On Committee on Military Affairs—Mr. Cunningham.

Mr. Cunningham, at his request, was excused from serving on the Committee on Military Affairs.

## PETITIONS.

Mr. Haswell presented a petition of citizens of this State, asking the passage of a bill prohibiting the sale of spirituous, vinous, and fermented liquors on the days of special, general, and judicial elections, and upon the first day of the week.

/ Laid on the table.

Mr. Redington presented a petition of citizens of San Francisco, asking an amendment to the Pilot law.

Referred to the Committee on Commerce and Navigation.

Messrs. Buckley and Dodge presented a petition of citizens of San Francisco, asking legislative enactment to supply increased School accommodations in said city.

Referred to the San Francisco delegation.

## REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 77, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, A. D. eighteen hundred and sixty-three, report the same back amended, and recommend its passage as amended.

HARTSON, Chairman.



Mr. Maddox, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 144, an Act concerning suits wherein the State is a party ;

Also, Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lots in Sacramento ;

Also, Senate bill No. 213, an Act to define the boundary lines of the County of Sutter.

MADDOX, for Committee.

Mr. Freeman made the following report :

Mr. PRESIDENT :—The special committee, to whom was referred Assembly bill No. 265, an Act to fix the compensation of the Board of Supervisors of Fresno County, have had the same under consideration, report it back to the Senate, and respectfully recommend its passage.

FREEMAN, for Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 18th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 57, an Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 18th, 1864. }

Mr. PRESIDENT :—The Assembly, on the seventeenth instant, passed Senate bill No. 183, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haskin, for an Act for the relief of J. A. Moultrie.

Read first and second times, and referred to the Committee on Claims.

By Mr. Sbafter, for an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Finance Committee.

Also, for an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two.

Read first and second times, and referred to the San Francisco delegation.

Senate bill No. 207, an Act to establish Pilots and Pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, was, on motion of Mr. Dodge, ordered printed.

On motion of Mr. Shafter, Senate bill No. 169, an Act concerning assessments upon the stock of corporations, was taken from the table, and ordered second on file for Wednesday, February twenty-fourth, eighteen hundred and sixty-four.

#### GENERAL FILE.

Assembly bill No. 177, an Act to amend an Act entitled an Act to authorize and require the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a special tax for the purpose of improving and repairing the public highway connecting Napa City and Lakeport—considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, read third time, and passed.

Assembly bill No. 81, an Act to provide for the payment of the claim of H. H. Baneroft & Co.—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents—read third time, and passed.

Senate bill No. 152, an Act to amend an Act entitled an Act concerning Attorneys and Counsellors at Law, passed February nineteenth, eighteen hundred and fifty-one—substitute adopted.

Mr. Shafter moved to amend by striking out the word "white" before the words "male citizen," in section two.

On which, the ayes and noes were demanded, by Messrs. Heacock, Benton, and Roberts, the roll was called, and there being no quorum present—

On motion of Mr. Yule, a call of the Senate was had.

Roll called.

Messrs. Buckley, Crane, Evans, Hawes, Haskin, Montgomery, Porter, and Wright, were absent without leave.

The Sergeant-at-Arms was despatched for the absentees, and appeared at the bar of the Senate with Mr. Buckley, who was excused.

Further proceedings under the call were dispensed with.

The roll was again called upon Mr. Shafter's amendment.

There being no quorum voting, Mr. Heacock moved a call of the Senate.

The motion prevailed.

Mr. Maddox appearing, and a quorum being present, further proceedings under the call were dispensed with.

The roll was called, with the following result :

AYES—Messrs. Benton, Haswell, Leonard, McMurtry, Shafter, and Smith—6.

NOES—Messrs. Buckley, Cot, Cunningham, Dodge, Freeman, Hale, Hall, Hartson, Heacock, Kutz, Maddox, Redington, Roberts, Rush, and Yule—15.

So the amendment was rejected.

M. Hawes was excused from further attendance to-day.

Mr. Rush offered an amendment to the substitute.

On which, the ayes and noes were demanded, by Messrs. Kutz, Yule, and Benton, and taken, with the following result :

AYES—Messrs. Freeman, Hartson, Kutz, Leonard, Maddox, McMurtry, and Yule—7.

NOES—Messrs. Benton, Buckley, Cot, Cunningham, Dodge, Hale, Hall, Haswell, Heacock, Redington, Roberts, Rush, Shafter, and Smith—14.

So the amendment was rejected.

On the question to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Hale, Benton, and Hartson, and taken, with the following result :

AYES—Messrs. Hartson, Haswell, Kutz, Leopard, Maddox, McMurtry, and Yule—7.

NOES—Messrs. Benton, Buckley, Cot, Cunningham, Dodge, Freeman, Hale, Hall, Heacock, Redington, Roberts, Rush, Shafter, and Smith—14.

So the motion was lost.

Mr. Kutz moved to amend by striking out all after the word "character," in section two, line fifteen, to and including the word "admission," in line seventeen.

On the adoption of which, the ayes and noes were demanded, by Messrs. Hale, Cunningham, and Roberts.

The roll was called.

No quorum voting.

Mr. Maddox now appeared, making a quorum, when—

Mr. Shafter moved that the Sergeant-at-Arms be directed to close the doors, and prevent the egress of Senators without leave from the Senate.

The motion prevailed.

The roll was called on the adoption of the amendment of Mr. Kutz, with the following result :

AYES—Messrs. Cot, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, Maddox, McMurtry, Smith, and Yule—11.

NOES—Messrs. Benton, Buckley, Cunningham, Dodge, Freeman, Hale, Redington, Roberts, Rush, and Shafter—10.

So the amendment was adopted.

On motion of Mr. Hale, the bill was indefinitely postponed.

Mr. Dodge, by leave, introduced a bill for an Act to authorize the City and County of San Francisco to convey certain real estate to the State of California.

Read first and second times, and referred to the San Francisco delegation.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 19th, 1864. }

Mr. PRESIDENT :—I am directed to inform the Senate that the Assembly have this day adopted Assembly concurrent resolution No. 30, concerning adjournment, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 30, above reported, was taken up. On its adoption, the ayes and noes were demanded, by Messrs. Kutz, Smith, and Shafter, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Dodge, Freeman, Hale, Hall, Maddox, Redington, Roberts, Rush, and Yule—11.

NOES—Messrs. Benton, Cunningham, Hartson, Haswell, Heacock, Kutz, Leonard, McMurtry, Shafter, and Smith—10.

So the resolution was concurred in.

Mr. Leonard moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Yule, Dodge, and Redington, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Hartson, Heacock, Leonard, Maddox, Rush, Smith, and Yule—10.

NOES—Messrs. Benton, Cunningham, Dodge, Hall, Haswell, Haskin, Kutz, McMurtry, Redington, Roberts, and Shafter—11.

So the motion was lost.

## GENERAL FILE RESUMED.

Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for a Seminary of learning, approved April twenty-third, A. D. eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto.

Pending the consideration, a motion to adjourn was lost.

Mr. Smith was granted leave of absence for fifteen minutes.

The consideration of the above mentioned bill was resumed, considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 178, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed, and the title amended.

Mr. Smith moved that the Senate do now adjourn.



On which, the ayes and noes were demanded, by Messrs. Smith, Heacock, and Dodge, and taken, with the following result :

AYES—Messrs. Cot, Freeman, Hale, Hall, Heacock, Maddox, McMurtry, Roberts, Rush, and Smith—10.

NOES—Messrs. Benton, Buckley, Cunningham, Dodge, Hartson, Haswell, Kutz, Leonard, Redington, Shafter, and Yule—11.

So the motion was lost.

Mr. Kutz, by leave, made the following report :

MR. PRESIDENT :—Your committee, consisting of the delegation from Nevada, to whom was referred Assembly bill No. 129, entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, would report the same back, with amendments, and recommend the passage of the same as amended.

KUTZ,  
ROBERTS,  
Committee.

Senate bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties—returned to file.

Mr. Smith moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Smith, Redington, and Hale, and taken, with the following result :

AYES—Messrs. Cot, Hale, Maddox, Roberts, Rush, and Smith—6.

NOES—Messrs. Benton, Buckley, Cunningham, Dodge, Freeman, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, McMurtry, Redington, Shafter, and Yule—15.

So the motion was lost.

Senate bill No. 215, an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Mr. Kutz moved a call of the Senate.

The motion prevailed.

Messrs. Crane, Evans, Montgomery, Moyle, Porter, and Wright, were absent without leave.

Mr. Cunningham moved that further proceedings under the call be dispensed with.

Upon which, the ayes and noes were demanded, by Messrs. Yule, Hartson, and Hale, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Cunningham, Dodge, Freeman, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, McMurtry, Redington, Rush, Shafter, and Yule—17.

NOES—Messrs. Hale, Maddox, Roberts, and Smith—4.

So the motion was sustained.

On motion of Mr. Cunningham, at two o'clock and thirty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, February 20th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Gallagher.

Leave of absence was granted to Mr. Hale for one day.

Journal of yesterday read and approved.

Mr. Freeman presented a petition of citizens of Tulare, remonstrating against the passage of a bill granting the right to improve Owens River.

Referred to the Mono and Tulare delegation.

## REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom was referred Assembly bill No. 262, an Act to authorize the payment of the claim of John T. Diossy, for collating and compiling the revenue laws of this State, have had the same under consideration, and report the same back, and recommend the passage of the bill.

JONES, Chairman.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 226, an Act to provide for collecting wharfage in Napa City, ask leave to recommend its passage with an amendment to section two, herewith reported.

PORTER, Chairman.

Mr. Dodge made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 136, an Act concerning the Coroner of San Francisco, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 244, relative to Commissioners of the Funded Debt of San Francisco, with amendments, and recommend its passage as amended ;

Also, Senate bill No. 245, authorizing the City and County of San Francisco to convey certain real estate to the State, and recommend its passage.

DODGE, for Delegation.

Mr. Meyers made the following report :

MR. PRESIDENT :—The San Joaquin delegation, to whom was referred Assembly bill No. 97, an Act to repeal an Act entitled an Act regulating fees of office of Justices of the Peace and Constables in the County of San Joaquin, have considered the same, and beg leave to report it back with amendments, and recommend its passage as amended.

MEYERS, for Delegation.

Mr. Hartson made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 173, entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May the twentieth, eighteen hundred and sixty-one, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

HARTSON, for Committee.

Assembly bill No. 173, above reported, was taken up, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, the bill read third time, and passed.

Mr. Evans made the following report :

MR. PRESIDENT :—Pursuant to special instructions from the Senate, I hereby respectfully report back Senate bill No. 48, with the amendment inserted in accordance with said instructions.

EVANS.

Mr. Foulke made the following report :

MR. PRESIDENT :—The Siskiyou delegation, to whom was referred Senate bill No. 131, have had the same under consideration, and herewith present a substitute for the same, the adoption of which is recommended.

FOULKE, for Delegation.

Mr. Cot made the following report :

MR. PRESIDENT :—The San Luis Obispo delegation, to whom was referred Assembly bill No. 281, having had the same under consideration, beg leave to report the same back with amendments, and recommend its passage as amended.

COT, for Delegation.

Mr. Kutz, Chairman of the Committee on Mileage, made the following report :

MR. PRESIDENT :—The Committee on Mileage report eighty-seven dollars and twenty cents (\$87 20) due Senators Meyers, Buckley, Yule, Evans, and Haswell, each, as mileage for travelling to and from the State Reform School at Marysville, and the Insane Asylum at Stockton, and the Industrial School at San Francisco, while in the discharge of committee duties. The committee, therefore, recommend the adoption of the accompanying resolution :

*Resolved*, That eighty-seven dollars and twenty cents (\$87 20) be allowed to Senators Meyers, Buckley, Yule, Evans, and Haswell, each, as mileage for travelling to and from Marysville, Stockton, and San Francisco, while in the discharge of committee duties.

KUTZ, Chairman.

Resolution adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 19th, 1864. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly, on the eighteenth instant, passed Assembly bill No. 107, an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon;

Also, passed Assembly bill No. 130, an Act to grant the right to construct a turnpike road between the Town of Pine Grove and a point on the road leading up the Middle Fork of Jackson Creek, about one and one fourth miles above the Town of Jackson, in Amador County;

Also, passed Assembly bill No. 148, an Act to authorize the Administrator of the estate of Maria Ygnacia Amador de Alvarado, deceased, to sell and convey real estate;

I also transmit herewith the Governor's messages disapproving of said bills.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 20th, 1864. }

Mr. PRESIDENT:—The Assembly, on the nineteenth instant, passed Assembly bill No. 215, an Act to grant the Union Bridge Company the right to construct and maintain a bridge across Stanislaus River;

Also, on the sixteenth instant, passed Assembly bill No. 269, an Act supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to this State, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, on the seventeenth instant, passed Assembly bill No. 292, an Act to legalize the sale of a certain lot and building thereon made by the Board of Supervisors of San Bernardino County, in the year A. D. eighteen hundred and sixty-two, to Willard T. Hughes, and to authorize said Board to execute a deed to Almira L. Hughes, widow of the said W. T. Hughes, deceased, to certain real estate;

Also, same day, passed Assembly bill No. 297, an Act to fix the salary of the County Superintendent of Public Schools in Solano County;

Also, on the nineteenth instant, passed Senate bill No. 153, an Act to limit the time for the commencement of civil actions in certain cases;

Also, same day, passed Senate bill No. 239, an Act to authorize the Board of Supervisors of Amador to levy an additional tax for county expenditures in said county;

Also, same day, adopted Assembly concurrent resolution No. 31, or-



dering five thousand copies of Assembly concurrent resolutions No. 13 to be printed, and ask the concurrence of the Senate in the same;

Also, same day, House refused to concur in Senate amendment to Assembly bill No. 114, an Act concerning the office of County Clerk of the City and County of San Francisco, and ask the Senate to recede from the same;

Also, on the seventeenth instant, passed Assembly bill No. 295, an Act to provide for and define the manner of collecting a tax to build a School-house in Court-house District, Sonoma County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 20th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, amended and passed Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 215, above reported, read first and second times, and placed on file.

Assembly bill No. 269, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly bill No. 292, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 297, above reported, was read first and second times, and referred to the Solano delegation.

Assembly concurrent resolution No. 31, above reported, was indefinitely postponed.

Assembly bill No. 114, above reported, was considered; the Senate refused to recede from its amendments, and appointed Messrs. Dodge, Cunningham, and Kutz as a Committee of Free Conference on the part of the Senate.

Assembly bill No. 295, above reported, was read first and second times, and referred to the Sonoma delegation.

Assembly bills Nos. 107, 130, and 148, above reported, were, together with the Governor's veto messages, ordered to top of the file for Tuesday, March first, eighteen hundred and sixty-four.

Senate bill No. 142, above reported, was ordered on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freeman, for an Act to create a Contingent Fund for the County of Tulare.

Read first and second times, and ordered on file.

Also, for an Act to grant the right to construct a wagon road in Tulare County.

Read first and second times, and ordered on file.

By Mr. Benton, for an Act to amend an Act passed April second, eighteen hundred and fifty-five, entitled an Act to suppress houses of ill fame.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Montgomery, for an Act entitled an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended April thirtieth, eighteen hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle, for an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two.

Read first and second times, and ordered on file.

By Mr. Haswell, for an Act to prevent the sale of intoxicating liquors on certain days of elections to be held in this State.

Read first and second times, and referred to the Committee on Public Morals, together with the petition presented yesterday.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof ;

And delivered the same to the Governor for his approval at twelve o'clock M., this the twentieth day of February, A. D. eighteen hundred and sixty-four.

MOYLE, Chairman.

#### GENERAL FILE.

Senate bill No. 191, an Act supplementary to an Act to provide for the maintenance and supervision of Common Schools, approved April sixth, eighteen hundred and sixty-three—indefinitely postponed.

At twelve o'clock and forty minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 24th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Indefinite leave of absence was granted to Mr. Cot; to Messrs. Maddox and Redington, leave for two days; and for one day, to Messrs. Roberts, Tuttle, and Wright

Journal of Saturday, twentieth instant, read and approved.

#### PETITIONS.

Mr. Dodge presented a petition of citizens of San Francisco, asking for further accommodations for Public Schools.

Mr. Evans presented a petition and remonstrance of citizens of Tuolumne County, for and against the passage of a certain Act levying a special tax, etc.

Referred to the Tuolumne delegation.

Mr. Hall presented a petition and remonstrance of citizens of Solano County, for and against the passage of the Act establishing a steam ferry between Vallejo and Mare Island.

#### REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of A. J. F. Phelan, for services rendered and moneys paid while Secretary of the Board of War Bond Commissioners, have had the same under consideration, and report in favor of the same, and recommend the passage of the accompanying bill;

Also, Senate bill No. 225, an Act for the relief of Levi Beck, and report the same back, with a substitute, and recommend the passage of the substitute;

Also, the petition of Alexander Gibson, asking relief for material furnished the State Reform School, and beg leave to report adversely to granting the relief asked for;

Also, Assembly bill No. 208, an Act to appropriate money to pay the claim of Benjamin P. Avery, and report the same back, without recommendation.

JONES, Chairman.

Mr. Buckley, from the Committee on Contingent Expenses, made the following report :

OFFICE OF SERGEANT-AT-ARMS OF THE SENATE, }  
Sacramento, February 18th, 1864. }

I hereby certify that the following newspapers have been furnished for the use of Senators, as hereinafter stated :

From Whom Received.	Amount.
San Francisco Morning Call, A. G. Wright, Agent—	
7 copies for the session.....	\$14 00
Sunday Mercury, C. A. Carolan, Agent—	
10 copies for three months.....	\$22 50
1 copy for two months.....	1 50
	<hr/> 24 00

From Whom Received.	Amount.
Alta California, (weekly), R. Stuart, Agent— 4 copies for session.....	\$12 00
Alta California, (daily), R. Stuart, Agent— 10 copies for session.....	85 00
Reese River Reveille, R. Stuart, Agent— 1 copy for three months.....	4 33
Virginia Union, R. Stuart, Agent— 1 daily and 1 weekly for session .....	17 34
	<hr/>
Sierra Democrat, John Platt— 4 copies for session.....	16 00
Oroville Union, W. M. Rider, Agent— 7 copies for session .....	21 00
Mining and Scientific Press, J. A. Vaughn, Agent— 8 copies for three months.....	18 00
Amador Ledger— 3 copies for session.....	9 00
Sacramento Union— 39 copies of daily 4 weeks to January 30.....	\$78 00
432 copies of weekly 4 weeks to January 30.....	54 00
	<hr/>
Nevada Transcript, N. P. Brown & Co.— 1 daily for session.....	\$3 00
1 weekly for session.....	3 00
	<hr/>
Shasta Courier, J. N. Chappell, Agent— 6 copies for session.....	18 00
Christian Advocate— 6 copies for session.....	9 00
Yreka Journal, Robert Nixon— 11 copies for session.....	\$33 00
1 copy for 2 months.....	1 50
	<hr/>
San Juan Press, O. P. Stidger— 9 copies for session.....	27 00
Sonoma Democrat—Thomas L. Thompson— 4 copies for session.....	12 00
Stars and Stripes, W. A. Selkirk, Agent— 23 copies for session.....	69 00
Solano Herald, O. B. Powers & Co.— 4 copies for 3 months.....	9 00
American Flag, T. N. Machin, Agent— 58 copies for session.....	\$174 00
1 copy for one month.....	75
	<hr/>
Marysville Express— 3 copies of daily for session.....	\$15 00
2 copies of weekly for session.....	6 00
	<hr/>

\$118 67

132 00

11 00

18 00

9 00

34 50

27 00

12 00

69 00

9 00

174 75

21 00



From Whom Received.	Amount.
George I. Lytle, Agent—	
34 copies daily Bulletin, 13 weeks, at 50 cents.....	\$221 00
12 copies daily Appeal, 13 weeks, at 50 cents.....	78 00
5 copies daily Territorial Enterprise, 13 weeks, at 50 cents.....	32 50
6 copies Stockton Independent, 13 weeks, at 50 cts.	39 00
6 copies weekly Appeal, 3 months.....	13 50
9 copies weekly Bulletin, 3 months.....	20 25
2 copies weekly Territorial Enterprise.....	4 50
2 copies Humboldt Register.....	4 50
21 copies Golden Era.....	47 25
13 copies weekly Stockton Independent.....	29 25
1 copy Louisville Journal.....	2 25
	<hr/>
	\$492 00
Eco de Pacifique—	
2 copies for 3 months.....	4 50
Wine, Wool, and Stock Grower's Journal—	
11 copies for 3 months.....	24 75
Calaveras Chronicle—	
1 copy for 3 months.....	2 25
San Francisco Monitor—	
4 copies for 3 months.....	9 00
Petaluma Argus, J. S. Van Doren, Agent—	
2 copies for 3 months.....	4 50
San Francisco Spirit of the Times—	
14 copies for three months.....	31 50
Mountain Messenger, J. A. Vaughn, Agent—	
7 copies for three months.....	15 75
	<hr/>
Total.....	\$1,322 17

Correct :

[Signed:]

JOHN HEMSLEY,  
Sergeant-at-Arms of Senate.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT :—Your Committee on Contingent Expenses have examined, and found correct, the following bills :

Sundry newspaper accounts for papers furnished Senators, (as per schedule annexed,) one thousand three hundred and twenty-two dollars and seventeen cents.

The committee recommend the adoption of the following resolution :

*Resolved*, That the Controller of State be and is hereby required to draw his warrants in favor of the above parties for the several amounts, payable out of the Contingent Fund of the Senate

HENRY, Chairman.

The resolution was adopted.

Mr. Hartson made the following report :

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 230, an Act to repeal an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, so far as the same relates to Mendocino County, and to legalize the election of certain officers and provide their term of office, have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

HARTSON, for Committee.

Mr. Pierce made the following report :

MR. PRESIDENT:—Your committee to whom was referred Assembly bill No. 105, an Act granting the right of way over certain lands in this State, in the Counties of Lake and Sonoma, for the construction of a wagon road, report the same back, with an amendment, and recommend the passage of the bill as amended.

PIERCE, for Committee.

Mr. Evans made the following report :

MR. PRESIDENT:—The delegation from Tuolumne and Mono, to whom was referred Senate bill No. 219, an Act to authorize certain parties to straighten and clear the channel of Owens River, in Mono County, have had the same under consideration, and report the bill back, with the accompanying amendments.

EVANS,  
HASKIN.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
Sacramento, February 20th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 104, an Act to repeal an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, and to indemnify citizens of this State for losses sustained by Indian depredations, passed April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 96, an Act to appropriate money to pay the claim of H. B. Chambers ;

Also, Senate bill No. 159, an Act to appropriate money to pay the claim of A. Blossom ;

Also, Senate bill No. 135, an Act relating to powers of attorney.

FRED'K F. LOW,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Shafter, for an Act to establish a Board of Nautical Education for the port of San Francisco.

Read first and second times, and referred to the Committee on Navigation.

Also, for an Act relating to chattel mortgages.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Evans, for an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to amend an Act entitled an Act to regulate the fees of certain offices in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

Also, for an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department.

Read first and second times, and referred to the Tuolumne delegation.

By the Committee on Claims, for an Act to appropriate money to pay the claim of A. J. F. Phelan.

Read first and second times, and placed on file.

By Mr. Hawes, for an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Jones, for an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty.

Read first and second times, and placed on file.

On motion of Mr. Gaskill, Mr. Redington was excused from further serving on the Committee on Elections.

On motion of Mr. Crane, the order placing Assembly bill No. 216 at top of the file for Friday, February twenty-sixth, was rescinded, and the bill ordered to top of the file for Wednesday, March second, eighteen hundred and sixty-four.

#### GENERAL FILE.

Senate bill No. 33, an Act concerning corporations formed for canal and ditch purposes—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Moyle moved to further amend, as follows, by adding :

“Section 5. The provisions of this Act shall not apply to the County of Sierra.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Yule, Moyle, and Evans, and taken, with the following result :

AYES—Messrs. Buckley, Cunningham, Evans, Foulke, Gaskill, Hall, Hamilton, Hawes, Heacock, Haskin, Jones, Leonard, Meyers, Montgomery, and Moyle—15.

NOES—Messrs. Benton, Burnell, Pierce, Rush, Shafter, Shepard, Smith, and Yule—8.

So the amendment was adopted.

On the motion to suspend the rules and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Gaskill, Cunningham, and Hamilton, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Evans, Freeman, Hall, Ham-

ilton, Hartson, Heacock, Haskin, Jones, Leonard, Meyers, Montgomery, Shepard, Smith, and Yule—17.

Noes—Messrs. Cunningham, Dodge, Gaskill, Moyle, and Shafter—5.

So the motion was carried.

Bill read third time, and passed.

Senate bill No. 169, an Act concerning assessments upon the stock of corporations—recommitted to the Committee on Corporations.

Senate bill No. 232, an Act to extend the time to construct a toll bridge across Feather River near Oroville, in Butte County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 133, an Act to amend an Act entitled an Act to amend an Act entitled an Act relating to the levying of taxes, approved May sixteenth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 196, an Act supplementary to an Act entitled an Act to establish a Female Department in the County Jail of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 281, an Act concerning the official bond of the County Clerk, Recorder and Auditor, Assessor, and Superintendent of Common Schools of the County of San Luis Obispo—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed, and title amended.

Assembly bill No. 129, an Act to provide for the construction, location, and maintenance of public roads in the County of Nevada—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three—amended by inserting after the word “created,” line three, section one, the words “including the duties of Porter,” and read third time, and passed.

Senate bill No. 151, an Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four—read third time, and passed.

Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two.

Mr. Hawes moved to recommit to the Senator from Napa, with the following instructions: Amend section three, line thirty-three, by striking out the words “bonds, securities, or evidences of indebtedness, public or private.”

Lost.

On motion of Mr. Hartson, the bill was recommitted to the Senator from Napa, with the following instructions: Amend by adding to section thirteen the following:

44SEN



*"Provided, that no corporation formed under the Act to which this is amendatory shall have authority to purchase, hold, or convey bonds, securities, or evidences of indebtedness, public or private, unless such corporation has a capital stock or Reserved Fund, or both capital stock and Reserved Fund, paid in of not less than three hundred thousand dollars."*

Also, amend section five by inserting after the word "thereof," before the word "and," in the line next to the last, the following:

*"Provided, that this exception shall apply only to corporations having a capital stock or Reserved Fund, or both capital stock and Reserved Fund, paid in of not less than three hundred thousand dollars."*

Also, to amend section two, line eleven, by striking out the words "two thirds," and inserting the words "three fourths."

Mr. Hartson reported verbally that the instructions had been complied with.

The amendments were adopted, and the bill read third time, and passed.

Senate bill No. 119, an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one—considered as in Committee of the Whole, and reported back without amendment.

A motion to indefinitely postpone the bill was lost.

On the motion to suspend the rules and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Heacock, Haswell, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Dodge, Evans, Hall, Hartson, Haswell, Hawes, Heacock, Meyers, Shafter, Shepard, Smith, and Yule—16.

NOES—Messrs. Foulke, Freeman, Gaskill, Hamilton, Jones, Moyle, Pierce, and Rush—8.

So the motion was carried.

The bill was read third time and passed.

Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 177, an Act to prohibit the furnishing and delivery of bread and other articles on the Sabbath—considered as in Committee of the Whole, and reported back without amendment.

Mr. Pierce moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Benton, and Pierce, and taken, with the following result:

AYES—Messrs. Freeman, Gaskill, Hamilton, Pierce and Rush—5.

NOES—Messrs. Benton, Buckley, Burnell, Cunningham, Dodge, Evans, Hall, Hartson, Haswell, Hawes, Heacock, Meyers, Moyle, Porter, Shafter, and Shepard—16.

So the motion was lost.

The bill was referred to the Judiciary Committee.

Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, passed May twentieth, eighteen hundred and sixty-one—substitute adopted, considered as in Committee of the Whole, reported back without amendment, and ordered engrossed and read third time.

Senate bill No. 154, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two—returned to file.

Senate bill No. 185, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, ordered engrossed, and read third time.

Assembly bill No. 198, an Act to amend an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

The President announced the following appointments to fill vacancies:

*On Committee on Elections*—Mr. Moyle.

*On Committee on Military Affairs*—Mr. Jones.

Assembly bill No. 14, an Act concerning jurors—indefinitely postponed.

Assembly bill No. 123, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—returned to file.

Assembly bill No. 145, an Act concerning roads and highways—considered as in Committee of the Whole, reported back without amendment, and returned to file.

Assembly bill No. 183, an Act in relation to the office of the County Superintendent of Common Schools of the County of San Joaquin—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 185, an Act to amend an Act entitled an Act concerning the office of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

At four o'clock P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 25th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Leave of absence for one day was granted to Mr. Kutz, and indefinite leave to Mr. Hale.

Journal of yesterday read and approved.

Mr. Roberts presented a petition of the President and Secretary of the Bear River Turnpike Road Company, asking an extension of the time for completion of said road.

Laid on the table.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 72, an Act to provide for the collection of certain moneys due this State.

ROBERTS, Chairman.

Mr. Benton, from the Committee on Public Morals, made the following report:

MR. PRESIDENT :—The majority of your Committee on Public Morals, to whom was referred Senate bill No. 248, an Act to amend an Act passed April second, eighteen hundred and fifty-five, entitled an Act to suppress houses of ill fame, report the same back, and recommend its passage;

Also, Senate bill No. 251, an Act to prevent the sale of intoxicating liquors on certain days of elections to be held in this State.

BENTON,  
HASWELL,  
SHEPARD.

Majority of Committee.

Mr. Jones reported favorably on the passage of Senate bill No. 59, an Act entitled an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose.

The bill, together with the report, was ordered to top of file for Thursday, March third, eighteen hundred and sixty-four, and the report ordered printed.

[For report, see Appendix.]

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith, for an Act to audit and pay claims against this State for services rendered and money expended in maintaining and enforcing the laws in a portion of Plumas County claimed by the Territory of Nevada, in the year eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Claims.

Also, for an Act amendatory of an Act entitled an Act amendatory and supplemental of an Act entitled an Act to prescribe the duties and provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Butte delegation.

By Mr. Hall, for an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohner.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Benton, for an Act appropriating money to pay the claim of J. C. Doherty.

Read first and second times, and referred to the Committee on Claims.

By Mr. Pierce, for an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Acts amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Hamilton, for an Act to enable the County of Los Angeles to reduce expenses, and pay off its floating debt.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Moyle, for an Act to authorize corporations organized in this State for the purpose of mining in or without this State to establish and maintain transfer agencies in other States.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Crane, for an Act providing for the time of holding the County and Probate Courts in the County of Alameda.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to improve the East Branch of the Carson River.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Haswell, for an Act to prevent hogs running at large in the Counties of Sutter and San Joaquin.

Read first and second times, and referred to the Sutter and San Joaquin delegations.

By Mr. Cunningham, for an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March in the years A. D. eigh-



teen hundred and sixty-two and A. D. eighteen hundred and sixty-three, in the several counties of this State.

Read first and second times, and referred to the Finance Committee.

#### RESOLUTIONS.

Mr. Yule offered a concurrent resolution relative to the survey and sale of Public Lands.

The resolutions were ordered printed, and made the special order for one o'clock P. M., on Wednesday, March second, eighteen hundred and sixty-four.

Mr. Hawes offered the following resolution :

*Resolved*, That the Sergeant-at-Arms procure and place in the Senate Chamber one copy of Bancroft's map of the Pacific States, and one map of the United States, and one large sized map of the World, if it can be obtained, at an expense not exceeding ten dollars each, and pay for the same out of the Contingent Fund of the Senate; *provided*, such maps can be procured within ten days.

The resolution was adopted.

Mr. Buckley moved to reconsider the vote by which the Senate on yesterday passed Senate bill No. 196, an Act supplementary to an Act entitled an Act to establish a Female Department in the County Jail of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-three.

The motion prevailed.

On motion of Mr. Hawes, the vote by which the bill was ordered engrossed was reconsidered, and a substitute adopted, the rules suspended, the bill considered engrossed, read third time, and passed.

#### GENERAL FILE.

Assembly bill No. 45, an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property—the motion to place the bill at top of the file for Tuesday next was lost, the bill considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

Mr. Burnell moved to further amend section eight, by adding :

*"Provided*, that the portion of Sacramento County lying south of the Cosumnes River shall be excepted from the provisions of this Act."

The amendment was rejected.

Mr. Yule moved to amend section eight, lines three and four, by striking out all after the word "Yolo."

The amendment was adopted.

Mr. Pierce moved to amend, by striking out "the County of Marin."

On which, the ayes and noes were demanded, by Messrs. Pierce, Rush, and Leonard, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Hamilton, Leonard, Pierce, Rush, Shepard, Tuttle, Wright, and Yule—10.

NOES—Messrs. Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Heacock, McMurtry, Meyers, Porter, and Smith—13.

So the motion was rejected.

On motion of Mr. Heacock, the vote by which the Senate refused to adopt the amendment offered by Mr. Burnell was reconsidered, and the amendment adopted.

Mr. Benton moved to amend an amendment to section eight, by adding the words "and east of the Marysville road."

The amendment was adopted, and the bill read third time.

On the passage, the ayes and noes were demanded, by Messrs. Pierce, Yule, and Rush, and taken, with the following result:

AYES—Messrs. Benton, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Haswell, Heacock, Haskin, McMurtry, Meyers, Porter, Roberts, and Smith—15.

NOES—Messrs. Buckley, Burnell, Foulke, Hamilton, Jones, Maddox, Moyle, Pierce, Rush, Shepard, Tuttle, Wright, and Yule—13.

So the bill passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 24th, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 138, an Act for the relief of Marcuse and Baltzar;

Also, passed Senate bill No. 201, an Act to exempt active and exempt firemen from jury duty in the County of Nevada;

Also, passed Assembly concurrent resolution No. 32, relative to a mail route from Los Angeles to Santa Fe, in New Mexico;

Also, passed Assembly bill No. 150, an Act to create the County of Alpine, to define its boundaries, and to provide for its organization;

Also, passed Assembly bill No. 248, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State;

Also, passed Assembly bill No. 278, an Act for the relief of George Nelson;

Also, passed Senate bill No. 166, an Act concerning the District Courts of this State;

Also, concurred in Senate amendments to Assembly bill No. 173, an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one;

Also, concurred in Senate amendments to Assembly bill No. 177, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a special tax for the purpose of improving and repairing the public highways connecting Napa City and Lakeport;

Also, concurred in Senate amendments to Assembly bill No. 178, an Act in regard to holding terms of the County Court in certain counties of this State;

Also, on the sixteenth instant, passed Assembly bill No. 140, an Act for the preservation of the public health;

Also, same day, passed Assembly bill No. 268, an Act for the protection of parties purchasing lands of this State, and for providing for the surveys of such lands in certain cases;

Also, on the nineteenth instant, passed Assembly bill No. 306, an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes;

Also, this day, appointed a Committee of Free Conference on the part of the Assembly to confer with the committee appointed by the Senate on the disagreeing vote of the two Houses on Senate amendments to Assembly bill No. 114, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also, this day, passed Assembly bill No. 139, an Act to promote the study of anatomy.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 306, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 139, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 140, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 268, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly Bill No. 248, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 278, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 150, above reported, read first and second times, and referred to the Committee on Elections.

Assembly concurrent resolution No. 32, above reported, referred to the Committee on Federal Relations.

Mr. McMurtry, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 153, an Act to limit the time for the commencement of civil actions in certain cases;

Also, Senate bill No. 183, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three;

And the above bills were, this the twenty-fifth day of February, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

On motion of Mr. Burnell, at four o'clock P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 26th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Peck.

Journal of yesterday read and approved.

Mr. Lovett presented a petition of Trustees of the Home for the Care of the Inebriate, asking the passage of a bill appropriating twenty-five hundred dollars for their relief.

Referred to the Committee on Public Buildings.

## REPORTS.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 53, an Act making an appropriation for a deficiency in the appropriations made for the fourteenth fiscal year, ending on the thirtieth day of June, one thousand eight hundred and sixty-three, report the same back, and recommend its passage ;

Also, Senate bill No. 218, an Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeen, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, and recommend that it be referred to the Committee on Commerce and Navigation ;

Also, Assembly bill No. 252, an Act to define the legal distances from the county seat of Lake County to the Capital, Lunatic Asylum, and State Prison, and recommend its passage ;

Also, Senate bill No. 243, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-eighth, eighteen hundred and sixty-three, and report it back without recommendation.

CUNNINGHAM, Chairman.

Senate bill No. 218, above reported, referred to the Committee on Commerce and Navigation.

Mr. Pierce made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 295, an Act to provide for and define the manner of collecting a tax to build a School-house in Court-house District, Sonoma County, have considered the same, and report it back without amendment, and recommend its passage.

PIERCE, for Committee.

Mr. Meyers made the following report :



Mr. PRESIDENT:—Your committee, composed of the Sutter and San Joaquin delegations, to whom was referred Senate bill No. 269, an Act to prevent hogs running at large in the Counties of Sutter and San Joaquin, have had the same under consideration, report it back with amendments, and recommend its passage as amended.

MEYERS,  
HASWELL.

Mr. Rush made the following report :

Mr. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 249, an Act entitled an Act for funding the indebtedness of Tehama County, having had the same under consideration, report it back, with the recommendation that it be indefinitely postponed.

RUSH, for Committee.

Mr. Hamilton made the following report :

Mr. PRESIDENT:—The Los Angeles delegation, to whom was referred Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt, report the same back to the Senate, and recommend its passage.

HAMILTON,  
SEPULVEDA.

Mr. Dodge made the following report :

Mr. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses upon Assembly bill No. 114, beg to submit the following amendments in lieu of the Senate amendment heretofore adopted :

In section one, lines three and four, and in lines ten and eleven, strike out the words "which Clerks," and insert "whom." Also, in lines six and seven, and in lines thirteen and fourteen, strike out the words "one Assistant Clerk who shall receive," and insert in lieu thereof, "the other."

DODGE,  
CUNNINGHAM,  
KUTZ,  
Senate Committee.

CHERRY,  
DUTTON,  
WASON,  
Assembly Committee.

The report was adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haswell, for an Act to fix the salary of the Superintendent of Public Schools of the County of Sutter.

Read first and second times, and placed on file.

By Mr. Hamilton, for an Act to revise and re-enact sections four and five of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and to repeal a former Act relating thereto.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Shafter, for an Act relating to elections held by political parties or associations.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lovett, for an Act appropriating money for the relief of the Home for the Care of the Inebriate.

Read first and second times, and referred to the Finance Committee.

Mr. Evans presented an account of J. T. Hall, for office rent of Governor Bigler for January, eighteen hundred and fifty-six.

Referred to the Committee on Claims.

#### GENERAL FILE.

Assembly bill No. 229, an Act to prevent the destruction of timber on the Public Lands in this State—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 192, an Act concerning the office of Auditor in the County of Sacramento—substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County—considered as in Committee of the Whole, reported back with amendments, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 241—returned to file.

Senate bill No. 229, an Act to provide for the survey of the boundary line between Calaveras and San Joaquin Counties—considered as in Committee of the Whole, reported back without amendment, ordered engrossed and read third time.

Senate bill No. 213, an Act to define the boundary lines of the County of Sutter—read third time, and passed.

Senate bill No. 144, an Act concerning suits wherein the State is a party—read third time, and passed.

Senate bill No. 77, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, A. D. eighteen hundred and sixty—considered as in Committee of the Whole, and pending consideration, was referred to a select committee of three.

The President appointed as such committee Messrs. Crane, Hale, and Heacock.

Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

Assembly bill No. 265, an Act to fix the compensation of the Board of Supervisors of Fresno County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 143, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

The question being on concurring in the Assembly amendments, Mr. Dodge moved to amend subdivision number sixteen, third line, by inserting after the word "month," the following: "until July first, eighteen hundred and sixty-four, and no longer."

The question being on concurring in the Assembly amendments as amended, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Montgomery, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Hartson, Heacock, Henry, Haskin, Jones, Lovett, Moyle, Porter, Roberts, Shafter, Shepard, and Tuttle—21.

NOES—Messrs. Hawes, Montgomery, and Pierce—3.

So the amendments were concurred in.

#### REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 138, an Act for the relief of Marcuse & Baltzar;

Also, Senate bill No. 239, an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county;

And on this the twenty-sixth day of February, A. D. eighteen hundred and sixty-four, at twelve o'clock and thirty minutes p. m., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 103, an Act relating to appeals;

Also, Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Also, Senate bill No. 210, an Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office;

Also, Senate bill No. 228, an Act to fix the salary of the Superintendent of Public Schools of Mendocino County.

ROBERTS, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

## ASSEMBLY CHAMBER,

February 26th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-fifth instant, passed Assembly bill No. 217, an Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys;

Also, on the twenty-fourth instant, passed Assembly bill No. 263, an Act to amend an Act entitled an Act to define the Senatorial Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one;

Also, on the seventeenth instant, passed Assembly bill No. 270, an Act for the building and improvement of certain roads in the County of Monterey;

Also, same day, passed Assembly bill No. 290, an Act to provide for the election of Township Assessors in the County of Alameda;

Also, on the twenty-fifth instant, passed Assembly bill No. 303, an Act making appropriations for deficiencies in the appropriations for the fifteenth session of the Legislature;

Also, same day, passed Assembly bill No. 326, an Act to provide for the transfer of certain funds belonging to the City and County of San Francisco;

Also, same day, passed Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers;

Also, same day, passed Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lot in Sacramento;

Also, same day, passed Senate bill No. 217, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, same day, amended and passed Senate concurrent resolution No. 23, relative to Swamp and Overflowed Lands, and ask the concurrence of the Senate in said amendments.

R. H. DALY,  
Assistant Clerk.

## ASSEMBLY CHAMBER,

February 26th, 1864. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly, this day, concurred in all of Senate amendments to Assembly bill No. 45, except the amendment to line two, section eight, in which the House refused to concur, and ask the Senate to recede from the same.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 217, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 303, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported



back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 263, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 270, above reported, read first and second times, and referred to the Monterey delegation.

Assembly bill No. 290, above reported, read first and second times, and referred to the Alameda delegation.

Assembly bill No. 326, above reported, read first and second times, and placed on file.

Senate concurrent resolution No. 23, above reported, was referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 45, above reported, laid on the table.

#### GENERAL FILE RESUMED.

Senate bill No. 245, an Act to authorize the City and County of San Francisco to convey certain real estate to the State of California—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Burnell, at four o'clock, P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Saturday, February 27th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Peck.

Leave of absence was granted to Mr. Crane for two days, and to Mr. Shepard for one day.

Journal of yesterday read and approved.

Mr. Roberts presented a petition of citizens of Nevada County, remonstrating against the passage of a bill extending the time for the completion of the Bear River Turnpike Road.

Laid on the table.

#### REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—Your Committee on Corporations, to whom was recommitted Senate bill No. 169, an Act concerning assessments upon the

stock of corporations, report the same back, with amendments, and recommend its passage as amended.

SMITH, Chairman.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—Your Committee on Military Affairs, to whom was referred Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States, have had the same under consideration, and report the bill back, with the accompanying amendments, and recommend its passage as amended.

EVANS, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT:—Your Committee on Public Lands have had under consideration Senate bill No. 133, an Act to provide for the sale of the interests of the State of California in the territory within the water front line of the City and County of San Francisco, have made amendments thereto, and recommend the passage of the same as amended.

WRIGHT, Chairman.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—The Committee on Contingent Expenses have examined and found correct the following bills :

Names.	Amounts.
William Sharp.....	\$11 00
Alphonse Dennerly & Bro.....	7 00
F. H. Lambert .....	20 00
John Hemsley.....	10 00
Locke & Lavenson .....	141 10
M. E. Gelston.....	25 00
Gillig, Mott & Co.....	9 00
Gillig, Mott & Co.....	36 25
C. Rare.....	7 75
C. Rare .....	10 00
Philip Cohen .....	7 50
W. S. Knore.....	40 00
James L. English.....	55 00
Mrs. T. M. Tilden.....	20 00
J. Bithell .....	5 00
A. C. & W. Bidwell.....	40 00
Total .....	\$444 60

*Resolved*, That the Controller of State be and is hereby required to

draw his warrants in favor of the above parties for the several amounts, payable out of the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Gaskill presented the report of the Committee on Elections in the contested case of Randall vs. Haskin.

Ordered to top of the file for Tuesday, March first, eighteen hundred and sixty-four.

[For report, see Appendix.]

Mr. Smith made the following report :

MR. PRESIDENT:—The Butte delegation, to whom was referred Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two, report the same back, and recommend its passage.

SMITH,  
GASKILL.

Mr. Hamilton made the following report :

MR. PRESIDENT:—The Los Angeles delegation, to whom was referred Senate bill No. 273, concerning marks and brands, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

HAMILTON, for Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 27th, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-sixth instant, passed Assembly bill No. 164, an Act amendatory of and supplemental to an Act entitled an Act for the relief of the enlisted men of the California volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 164, above reported, was read first and second times, and ordered on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Yule, for an Act to create the office of State Geologist, and define the duties thereof.

Read first and second times, and placed on file.

By Mr. Rush, for an Act to fix the compensation of the District Attorney of Colusa County.

Read first and second times, and placed on file.

By Mr. Hartson, for an Act supplementary to an Act entitled an Act to

appropriate funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. Roberts, for an Act to allow additional compensation to the Board of Supervisors of Nevada County.

Read first and second times, and placed on file.

Also, for an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Redington, for an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Gaskill, for an Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, the rules further suspended, the bill considered engrossed, read third time, and passed.

Mr. Hall, by leave, presented a remonstrance from citizens of Solano County against the establishment of a steam ferry between the City of Vallejo and Mare Island.

Referred to the Committee on Commerce and Navigation.

Mr. Roberts gave notice that at an early day he would introduce a bill for an Act granting bounties to volunteers in the army of the United States enlisted in this State, and for the issuance of bonds to provide funds to pay the same.

#### GENERAL FILE.

Senate bill No. 246, an Act to create a Contingent Fund for the County of Tulare—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 247, an Act to grant the right to construct a wagon road in Tulare County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 250, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 244, an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two—considered as in Committee of



the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 226, an Act to provide for collecting wharfage in Napa City—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 136, an Act concerning the Coroner of the City and County of San Francisco—indefinitely postponed.

Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company—substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 48, an Act concerning offices—was read third time.

On the passage, the ayes and noes were demanded, by Messrs. Evans, Haswell, and Foulke, and taken, with the following result :

**AYES**—Messrs. Benton, Buckley, Burnell, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Hawes, Heacock, Haskin, Jones, Lovett, Moyle, Porter, Redington, Roberts, Shafter, Smith, and Wright—22.

**NOES**—Messrs. Freeman, Hamilton, Hartson, Kutz, Maddox, McMurry, Montgomery, Pierce, and Rush—9.

So the bill passed.

Senate bill No. 72, an Act to provide for the collection of certain moneys due this State—was taken up out of its order, and, by unanimous consent, amended as follows :

Section one, line five, after the words "support of the" insert the words "government of this."

The bill was then read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Burnell, and taken, with the following result :

**AYES**—Messrs. Benton, Burnell, Cunningham, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, McMurry, Moyle, Porter, Roberts, Shepard, Smith, Tuttle, and Wright—23.

**NOES**—Messrs. Buckley, Dodge, Hawes, Maddox, Montgomery, Redington, Rush, and Shafter—8.

So the bill passed.

Assembly bill No. 215, an Act to grant the Union Bridge Company the right to construct and maintain a bridge across the Stanislaus River—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 97, an Act to repeal an Act entitled an Act regulating fees of office of Justices of the Peace and Constables in the County of San Joaquin—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 262, an Act to authorize the payment of the claim of John T. Diossy, for collating and compiling the revenue laws of this State—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 219—returned to file.

Senate bill No. 225, an Act for the relief of Levi Beck—substitute

adopted, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 105, an Act granting the right of way over certain lands in the Counties of Lake and Sonoma, for the construction of a wagon road—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 208, an Act to appropriate money to pay the claim of Benjamin P. Avery—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 230, an Act to repeal an Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people, so far as the same relates to Mendocino County, and to legalize the election of certain officers, and to provide for their term of office—substitute adopted, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 254, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 255, an Act to amend an Act entitled an Act to regulate the fees of certain officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read time, and passed.

Senate bill No. 256, an Act to appropriate money to pay the claim of A. J. F. Phelan—considered as in Committee of the Whole, reported back without amendment, and engrossment and third reading refused.

Senate bill No. 259, an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 258—returned to file.

Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, rules suspended, considered engrossed, read third time, and passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 166, an Act concerning District Courts in this State ;

Also, Senate bill No. 204, an Act to exempt active and exempt firemen from jury duty in the County of Nevada.

And on this the twenty-seventh day of February, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

## GENERAL FILE RESUMED.

Assembly bill No. 123, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—*indefinitely postponed*.

Assembly bill No. 145, an Act concerning roads and highways—*indefinitely postponed*.

Mr. Shafter gave notice of a motion to reconsider the above vote.

Senate bill No. 248, an Act to amend an Act passed April second, eighteen hundred and fifty-five, entitled an Act to suppress houses of ill fame—considered as in Committee of the Whole, reported back with amendment, amendment concurred in, and ordered engrossed and read third time.

Senate bill No. 251—*returned to file*.

Senate bill No. 265—*returned to file*.

Assembly bill No. 211—*returned to file*.

Assembly bill No. 249, an Act to provide for funding the indebtedness of Tehama County—ordered to top of file for Monday, February twenty-ninth, eighteen hundred and sixty-four.

Assembly bill No. 53, an Act making appropriations for a deficiency in the appropriations made for the fourteenth fiscal year, ending on the thirteenth day of June, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 252, an Act to define the legal distances from the county seat of Lake County to the Capital, Lunatic Asylum, and State Prison—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 295, an Act to provide for and define the manner of collecting a tax to build a School-house in Court-house District, in Sonoma County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 243, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three—referred to the Judiciary Committee, and the usual number of copies ordered printed.

Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill ordered engrossed and read third time.

Senate bill No. 269, an Act to prevent hogs running at large in the Counties of Sutter and San Joaquin—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 272, an Act to fix the salary of the Superintendent of Public Schools in the County of Sutter—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 241—referred to the Judiciary Committee.

Assembly bill No. 326, an Act to provide for the transfer of certain funds belonging to the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Mr. Shafter moved to reconsider the vote by which the Senate passed



Senate bill No. 127, an Act amendatory of the Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same.

The motion prevailed.

On motion of Mr. Shafter, the vote by which the bill was ordered engrossed was reconsidered, and the bill referred to Mr. Roberts, with authority to make certain corrections.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 27th, 1864. }

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly, on the twenty-fourth instant, passed Assembly bill No. 293, an Act to amend an Act entitled an Act to provide for the funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two;

Also, on the twenty-fifth instant, passed Assembly bill No. 312, an Act granting James L. Hall and his associates the right to lay down gas pipes in the Town of Brown's Valley, in Yuba County;

Also, same day, passed Assembly bill No. 324, an Act to transfer certain moneys from the General Fund of Tehama County to the Tehama County Wagon Road Interest and Redemption Fund.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 27th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 245, an Act to grant to certain parties therein named the right to construct and maintain a turnpike or toll road from the Town of Sonora, in Tuolumne County, to the State line in Mono County;

Also, Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
February 27th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

O. C. WHEELER,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 293, above reported, read first and second times, and placed on file.



Assembly bill No. 324, above reported, read first and second times, and referred to the Tehama delegation.

Assembly bill No. 312, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 245, above reported, read first and second times.

On the motion to suspend the rules and consider the bill now, the ayes and noes were demanded, by Messrs. Heacock, Evans, and Montgomery, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Evans, Foulke, Freeman, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Jones, Lovett, McMurtry, Montgomery, Moyle, Redington, Roberts, Rush, Shepard, Tuttle, and Wright—23.

NOES—Messrs. Gaskill, Kutz, and Pierce—3.

So the rules were suspended, and the bill considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate concurred in Assembly amendments to Senate bill No. 86, above reported.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 27th, 1864.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 138, an Act for the relief of Marcuse & Baltzar;

Also, Senate bill No. 239, an Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county;

Also, Senate bill No. 161, an Act to authorize the Board of Supervisors of the County of Del Norte to issue certain bonds, and to provide for the payment of the principal and interest thereof.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 27th, 1864.

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the following claim:

I. & S. Wormser, Assignees, vs. The State of California, for services rendered in eighteen hundred and sixty-one, seventy-five dollars.

FRED'K F. LOW,  
Governor.

The above claim was referred to the Committee on Claims.

At three o'clock and thirty minutes P. M., on motion of Mr. Moyle, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 29th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Peck.

Leave of absence for three days was granted to Mr. Jones, and for one day to Messrs. Dodge, Buckley, Hawes, and Porter.

Journal of Saturday last read and approved.

Mr. Lovett presented a petition of citizens of Monterey County, asking the passage of a certain law.

Referred to Monterey delegation.

## REPORTS.

Mr. Pierce made a report from the minority of the Committee on Elections in the contested case of Randall vs. Haskin.

[For report, see Appendix.]

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 201, an Act relating to costs in civil cases in Courts of Justice;

Also, Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 215, an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two;

Also, Senate bill No. 110, substitute for Senate bill entitled an Act authorizing the Board of Supervisors of Sierra County to provide for the construction of certain wagon roads in Sierra County.

ROBERTS, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 224, an Act to grant to Moses F. Hoyt and his associates the right to construct a toll road and bridge in Nevada County, have had the same under consideration, and report it back, and recommend its passage;

Also, Senate bill No. 220, an Act to authorize George S. Lee and his associates to construct a wagon road from the Town of San Bernardino to Little Bear Valley, in San Bernardino County, and recommend that it be passed;

Also, Senate bill No. 268, an Act to improve the East Branch of Carson River, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 172, an Act to authorize Thomas Cutter, D. M. Kenfield, John Sedgwick, and their associates or assigns, to construct and maintain a toll road in the County of Tuolumne, and report the same back without recommendation.

LEONARD, Chairman.

Mr. Lovett made the following report :

MR. PRESIDENT :—The delegations from Santa Cruz, Santa Clara, and San Mateo, having had under consideration Assembly bill No. 206, an Act to authorize R. C. Kirby and others to construct and maintain a turn-pike road from the Town of Santa Cruz to a point on or near the line of the San Francisco and San José Railroad, and to charge and collect tolls for travel thereon, report the same back with amendments, and recommend its passage as amended.

LOVETT,  
McMURTRY.

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 205, have carefully considered the same, and report it back with an amendment, and unanimously recommend its passage as amended.

HALL, Chairman.

Mr. Rush made the following report :

MR. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 324, an Act to transfer certain moneys from the General Fund of Tehama County to the Wagon Road Interest and Redemption Fund, having considered the same, report it back, and recommend its passage.

RUSH, for Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 29th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly, on the twenty-seventh instant, concurred in Senate amendments to Assembly bill No. 229, an Act to prevent the destruction of timber on the Public Lands in this State ;

Also, same day, concurred in Senate amendments to Assembly bill No. 303, an Act making appropriations for deficiencies for the Fifteenth Session of the Legislature.

R. H. DALY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts, for an Act to amend an Act entitled an Act prescrib-

ing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Freeman, for an Act to regulate fees in the County of Fresno.

Read first and second times, and placed on file.

Also, for an Act to fix the compensation of the District Attorney for the County of Fresno.

Read first and second times, and placed on file.

Also, for an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act granting parties therein named the right to construct a wagon road, and collect tolls thereon.

Read first and second times, and placed on file.

By Mr. Pierce, for an Act to fix the compensation of the Board of Supervisors.

Read first and second times, and placed on file.

Also, for an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma.

Read first and second times, and placed on file.

By Mr. Hartson, for an Act for the regulation and improvement of the town of Napa City.

Read first and second times, and referred to the Judiciary Committee.

Mr. Pierce offered the following resolution :

*Resolved*, That the contested election case of Randall against Haskin be heard before the Senate at twelve o'clock M., March first, eighteen hundred and sixty-four, and that the Contestant and sitting member may appear in person and by Counsel.

Adopted.

#### GENERAL FILE.

Assembly bill No. 249, an Act to provide for funding the indebtedness of Tehama County—ordered to top of file for Tuesday, March eighth, eighteen hundred and sixty-four.

Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental of an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 273, an Act to revise and re-enact sections four and five of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and to repeal a former Act relating thereto—considered as in Committee of the Whole, reported back without amendment, rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 133, an Act to provide for the sale of the interests of



the State of California in the territory within the water front line of the City of San Francisco—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in, with the exception of the following substitute for section five:

“Section 5. The proceeds of all sales, after paying the necessary expenses attending the same, shall be reported by the Commissioners to the Controller of State, and on his order paid to the Treasurer of the State, to the credit of the Wharf and Dock Fund.”

On the concurrence in which, the ayes and noes were demanded, by Messrs. Wright, Redington, and Pierce, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Kutz, Maddox, McMurry, Redington, Roberts, Rush, Shafter, Shepard, Smith, Tuttle, and Yule—22.

NOES—Messrs. Benton, Pierce, and Wright—3.

So the amendment was concurred in.

The bill was ordered printed as amended, and placed at top of file for Tuesday, March eighth, eighteen hundred and sixty-four.

Mr. Evans moved to reconsider the vote by which the Senate on Saturday last indefinitely postponed Assembly bill No. 145, an Act concerning roads and highways.

The motion prevailed.

The question being on the indefinite postponement of the bill, the motion was lost, and the bill read third time and passed.

Senate bill No. 169, an Act concerning assessments upon the stock of corporations—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Burnell moved to further amend by adding to the end of section fifteen the following:

• “*Provided*, this section shall not apply to the stock of corporations formed for mining.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Yule, Cunningham, and Burnell, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Kutz, Leonard, Lovett, McMurry, Moyle, Pierce, Redington, Rush, Shafter, Shepard, Tuttle, and Wright—17.

NOES—Messrs. Benton, Foulke, Hamilton, Haswell, Heacock, Roberts, Smith, and Yule—8.

So the proviso was adopted.

The bill was further amended as in Committee of the Whole, and the amendments concurred in in Senate.

Mr. Kutz moved to reconsider the vote by which the above proviso to section fifteen was adopted.

On which motion, the ayes and noes were demanded, by Messrs. Kutz, Foulke, and Smith, and taken, with the following result:

AYES—Messrs. Foulke, Kutz, McMurtry, Roberts, Shafter, Smith, Tuttle, and Yule—8.

NOES—Messrs. Benton, Burnell, Cunningham, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Lovett, Maddox, Moyle, Pierce, Redington, Rush, Shepard, and Wright—18.

So the motion to reconsider was lost.

On motion of Mr. Smith, section fifteen was stricken out.

The bill was further amended, ordered engrossed and read third time.

#### REPORTS.

Mr. Foulke, by leave, made the following report :

MR. PRESIDENT:—The select committee, to whom was referred Assembly bill No. 15, an Act relating to the legal settlement of paupers ;

Also, Assembly bill No. 32, an Act to provide for the support of paupers ;

Also, Assembly bill No. 33, an Act concerning Work-houses for the several counties of this State, have carefully considered the same, and finding that they embrace but one general object, and that many of the provisions contained in them require amendment, your committee have agreed upon and beg leave to report the accompanying substitute for the three bills, and recommend the passage of the substitute, entitled as follows :

“ An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.”

Your committee, having thus performed the duty assigned them, beg to be discharged.

HAWES,  
FOULKE,  
HENRY,  
HAMILTON,  
MEYERS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, substitute for Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers ;

Also Senate bill No. 217, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one ;

And this the twenty-ninth day of February. A. D. eighteen hundred and sixty-four, at eleven o'clock and thirty minutes A. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

At four o'clock p. m., on motion of Mr. Hartson, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, March 1st. 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

Journal of yesterday read and approved.

Messrs. Montgomery and Redington spoke to questions of privilege.

Mr. Redington presented a petition of mechanics of San Francisco, asking the passage of an Act relative to mechanics' liens.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT :—Your Committee on Corporations, to whom was re-committed Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one, report the same back without recommendation ;

Also, Assembly bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, report the same back without recommendation ;

Also, Assembly bill No. 160, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one, report it back without recommendation.

SMITH, Chairman.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The Committee on Public Morals, to whom was referred Assembly bill No. 139, an Act to promote the study of anatomy ;

Also, Assembly bill No. 140, an Act for the preservation of the public health, have had the same under consideration.

The committee consists of five members, two of whom were in favor of, and two opposed to the passage of said bills. The Chairman of said committee, without deciding the issue so evenly balanced between its

members, respectfully reports said bills back to the Senate for their further consideration.

MADDOX, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 271, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March in the years A. D. eighteen hundred and sixty-two and A. D. eighteen hundred and sixty-three, report the same back with a substitute, and recommend the passage of the substitute ;

Also, Assembly bill No. 93, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT :—Your Committee on Public Lands have had under consideration Assembly bill No. 269, an Act supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to this State, passed April twenty-seventh, eighteen hundred and sixty-three, and respectfully report the same back, with the recommendation that it pass.

WRIGHT, Chairman.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 33, (Senate substitute.) an Act concerning corporations for canal and ditch purposes ;

Also, Senate bill No. 119, an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 154, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty ;

Also, Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco ;

Also, Senate bill No. 232, an Act to extend the time to construct a toll bridge across Feather River, near Oroville, in Butte County.

ROBERTS, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 29th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the As-



sembly, on the twenty-fifth instant, passed Assembly bill No. 87, an Act relating to the Swamp and Overflowed Lands in District Number Two, in the County of Sacramento;

Also, same day, passed Assembly bill No. 232, an Act to grant to John N. Duddleston and his associates and assigns the right to construct and maintain a toll road in Mono County;

Also, on the twenty-fourth instant, passed Assembly bill No. 296, an Act to amend an Act to incorporate the Town of Downieville, approved March eighteenth, eighteen hundred and sixty-three;

Also, on the twenty-sixth instant, passed Assembly bill No. 301, an Act to provide for furnishing, in printed form, the poll and tally lists papers for election purposes;

Also, same day, passed Assembly bill No. 304, an Act to amend Section Nineteen of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, same day, passed Assembly bill No. 305, an Act for the relief of Paschal Bequette;

Also, this day, adopted Assembly concurrent resolution No. 34, granting L. W. Elliott, District Attorney of Tehama County, four months leave of absence, and ask the concurrence of the Senate in the same;

Also, this day, concurred in Senate amendments to Assembly bill No. 97, an Act to repeal an Act entitled an Act regulating fees of office of Justices of the Peace and Constables in the County of San Joaquin;

Also, this day, concurred in Senate amendments to Assembly bill No. 105, an Act granting the right of way over certain lands in this State in the Counties of Lake and Sonoma for the construction of a wagon road;

Also, this day, concurred in Senate amendments to Assembly bill No. 215, an Act to grant the Union Bridge Company the right to construct and maintain a bridge across Stanislaus River;

Also, this day, adopted Senate substitute for Assembly bill No. 230, an Act to repeal an Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to a vote of the people, so far as the same relates to Mendocino County, and to legalize the election of certain officers therein;

Also, this day, adopted Senate substitute for Assembly bill No. 132, an Act more effectually to limit the time for the presentation and allowance of claims against counties;

Also, this day, passed Senate bill No. 151, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four;

Also, this day, passed Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five;

Also, this day, passed Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 29th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road;

Also, passed Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County;

Also, passed Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon;

Also, this day, amended and passed Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 301, above reported, read first and second times, and referred to the Committee on Printing.

Assembly bill No. 305, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 296, above reported, read first and second times, and placed on file.

Assembly bill No. 304, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 232, above reported, read first and second times, and referred to the Mono and Tuolumne delegation.

Assembly bill No. 87, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly concurrent resolution No. 34, above reported, referred to the Tehama delegation.

Senate bill No. 128 was reported back with amendments; the Senate refused to concur in Assembly amendments.

#### REPORTS.

Mr. Haswell, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County;

And this day, at eleven o'clock and thirty minutes A. M., delivered the same to the Governor for his approval.

HASWELL, for Committee.

Mr. Roberts made the following report:

Mr. PRESIDENT:—The select committee to whom was referred Senate bill No. 127, an Act amendatory of the Act regulating proceedings in

civil cases in Courts of justice of this State, report the same back with a substitute, and recommend the passage of the substitute.

ROBERTS, for Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Heacock, for an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to provide for the redemption of the funded indebtedness of the City of Sacramento.

Read first and second times, and placed on file.

By Mr. Pierce, for an Act supplementary to an Act entitled an Act to exempt firemen from militia service and jury duty; passed March twenty-fifth, eighteen hundred and fifty-three.

Read first and second times, and placed on file.

By Mr. Hawes, for an Act supplementary to the Act entitled an Act concerning crimes and punishments.

Read first and second times, and referred to the Committees on Judiciary and Public Morals.

By Mr. Redington, for an Act to secure the liens of mechanics and others.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Meyers, for an Act explanatory of and supplemental to an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two.

Read first and second times, and placed on file.

Also, for an Act to liquidate the claim of George E. Drew, for surveying the boundary line of a portion of San Joaquin County annexed to Stanislaus County.

Read first and second times, and referred to the Committee on Claims.

On motion of Mr. Meyers, the Governor's veto message on Senate bill No. 83, an Act concerning the Calaveras Mining Company, was taken from the table and ordered to top of the file for to-day.

#### GENERAL FILE.

The General File was then taken up, and the Senate went into

#### EXECUTIVE SESSION.

The Governor's message, returning without his approval Assembly bill No. 130, an Act to grant the right to construct a turnpike road between the Town of Pine Grove and a point on the road leading up the Middle Fork of Jackson Creek, about one and three-fourths miles above the Town of Jackson, in Amador County.

The question being "Shall the bill pass, notwithstanding the objections of the Governor, the roll was called, with the following result:

AYES—Messrs. Burnell, Crane, Evans, Foulke, Freeman, Gaskill, Ham-

ilton, Haswell, Haskin, Kutz, Leonard, Meyers, Montgomery, Moyle, Pierce, Porter, Roberts, Rush, Shafter, Shepard, Smith, Wright, and Yule—23.

NOES—Messrs. Cunningham, Dodge, Maddox, McMurtry, and Redington—5.

So the bill passed.

The Governor's message, returning, without his approval, Assembly bill No. 107, an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect tolls for travel thereon, was then taken up.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?"

Mr. Benton was reading from the constitutional amendments proposed at the thirteenth session, proposing to show certain inconsistencies of certain Senators.

Mr. Porter raised a point of order, that the Senator was not speaking to the question.

The Chair (Mr. Cunningham) decided the point of order well taken.

Mr. Evans appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Wright, Kutz, and Yule, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Haswell, Haskin, Kutz, Leonard, Meyers, Montgomery, Roberts, Rush, and Yule—17.

NOES—Messrs. Evans, Hawes, Lovett, Maddox, McMurtry, Moyle, Pierce, Redington, and Wright—9.

So the Chair was sustained.

The roll was called on the passage of the bill, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Foulke, Freeman, Gaskill, Hamilton, Heacock, Henry, Haskin, Kutz, Leonard, Lovett, Meyers, Montgomery, Pierce, Porter, Roberts, Rush, Shafter, Smith, Wright, and Yule—23.

NOES—Messrs. Cunningham, Evans, Hall, Hawes, Maddox, McMurtry, and Redington—7.

So the bill passed.

The Governor's message, returning, without his approval, Assembly bill No. 148, an Act to authorize the Administrator of the estate of Maria Ygnacia Amador de Alvarado, deceased, to sell and convey real estate, was taken up.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Freeman, Hamilton, Heacock, Kutz, Leonard, Lovett, Meyers, Montgomery, Pierce, Roberts, Rush, Shafter, Smith, and Yule—17.



NOES—Messrs. Dodge, Hall, Hawes, Redington, and Wright—5.

So the bill passed.

The Governor's message, returning, without his approval, Senate bill No. 83, an Act concerning the Calaveras Mining Company, was taken up.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Burnell, Freeman, Gaskill, Hamilton, Haswell, Haskin, Leonard, Meyers, Montgomery, Pierce, Shepard, and Smith—12.

NOES—Messrs. Benton, Cunningham, Dodge, Evans, Foulke, Hall, Kutz, McMurtry, Moyle, Redington, Roberts, Wright, and Yule—13.

So the bill was lost.

There being no further business, the Executive session was dissolved, and the

#### GENERAL FILE RESUMED.

On motion of Mr. Leonard, Senate bill No. 268, an Act to improve the east branch of the Carson River, was taken from the file and recommitted to the Committee on Roads and Highways.

#### SPECIAL ORDER.

The majority and minority reports of the Committee on Elections in the contested election case of Randall vs. Haskin, (special order for this day,) was taken up.

Mr. Pierce offered the following resolution:

*Resolved*, That Charles H. Randall, having received a majority of all the legal votes cast at the general election in eighteen hundred and sixty-three for the office of Senator of the Twelfth Senatorial District, is of right entitled to such office and a seat on the floor of the Senate as such Senator.

Mr. Randall, the Contestant, appeared on the floor of the Senate, with his Counsel, Mr. Coffroth.

Mr. Pierce moved a call of the Senate.

The motion prevailed.

On calling the roll, Messrs. Freeman, Hartson, Henry, Lovett, and Wright, were absent.

Messrs. Henry and Wright were brought to the bar by the Sergeant-at-Arms, and admitted, and excused.

Further proceedings under the call were suspended.

Mr. Pierce moved a call of the Senate.

On which, the ayes and noes were demanded, by Messrs. Foulke, Yule, and Lovett, and taken, with the following result:

AYES—Messrs. Crane, Cunningham, Evans, Foulke, Freeman, Leonard, Lovett, Maddox, Meyers, Montgomery, Pierce, Roberts, Rush, and Shepard—14.

NOES—Messrs. Benton, Burnell, Dodge, Gaskill, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Kutz, McMurtry, Moyle, Porter, Redington, Shafter, Smith, Tuttle, Wright, and Yule—20.

So the motion was lost.

The question being on the adoption of Mr. Pierce's substitute to the resolution of the majority of the committee, the ayes and noes were demanded, by Messrs. Evans, Yule, and Wright, and taken, with the following result :

AYES—Messrs. Freeman, Hamilton, Pierce, and Rush—4.

NOES—Messrs. Benton, Burnell, Cunningham, Dodge, Evans, Foulke, Gaskill, Hartson, Haswell, Hawes, Heacock, Henry, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—29.

So the substitute was lost.

The question now being on the adoption of the original resolution accompanying the majority report, to wit :

*“Resolved, That Chas. H. Randall is not entitled to the seat now held in this Senate by Honorable J. W. Haskin, as Senator from the Twelfth Senatorial District.”*

Mr. Shafter offered the following as a substitute :

*Resolved, That neither Chas. H. Randall nor J. W. Haskin is entitled to hold a seat in this Senate.*

On the adoption of which, the ayes and noes were demanded, by Messrs. Evans, Moyle, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Foulke, Freeman, Hamilton, McMurtry, Meyers, Pierce, Rush, and Shafter—9.

NOES—Messrs. Benton, Cunningham, Dodge, Evans, Gaskill, Hartson, Haswell, Hawes, Heacock, Henry, Kutz, Leonard, Lovett, Moyle, Porter, Redington, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—19.

So the substitute was lost.

Mr. Benton now moved to amend the resolution by substituting the following :

*Resolved, That J. W. Haskin is entitled to his seat in this Senate.*

Mr. Gaskill moved to indefinitely postpone the amendment.

Motion prevailed.

At five o'clock and thirty minutes P. M., on motion of Mr. Shafter, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, March 2d, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Hall presented a petition of citizens of Vallejo and Mare Island, asking the repeal of the present pilot law.

Referred to the Committee on Commerce and Navigation.

Mr. Pierce presented a petition of citizens of Sonoma County, asking for certain relief.

Laid on the table.

Mr. Shafter presented a petition of citizens of San Francisco, asking the passage of Senate bill No. 207.

## REPORTS.

Mr. Crane, Chairman of the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Assembly bill No. 280, an Act to amend an Act concerning Teachers of Common Schools in this State, having had the same under consideration, report the bill back, and recommend its passage.

CRANE, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Committees on Judiciary and Public Morals, to whom was referred Senate bill No. 279, an Act supplementary to the Act entitled an Act concerning crimes and punishments, having had the same under consideration, report the same back amended, and recommend its passage as amended.

SHAFTER,  
 SMITH,  
 CRANE,  
 HEACOCK,  
 WRIGHT,  
 Judiciary Committee.  
 MADDOX,  
 TUTTLE,  
 SHEPARD,  
 HASWELL,  
 BENTON,  
 Committee on Public Morals.

Mr. Shafter, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 243, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, having had the same under consideration, report the same back amended, and recommend its passage as amended ;

Also, Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, report the same back, and recommend its passage ;

Also, Senate bill No. 61, an Act to fix the time of holding the District Court, of the Third Judicial District, report the same back, with a substitute, and recommend the passage of the substitute ;

Also, Assembly bill No. 235, an Act relative to Justices of the Peace in the City of Stockton, report the same back, and recommend it be referred to the San Joaquin delegation ;

Also, Senate bill No. 216, an Act in relation to the Recorder of Petaluma, and recommend its passage ;

Also, Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, and recommend its indefinite postponement ;

Also, Assembly bill No. 69, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its indefinite postponement ;

Also, Senate bill No. 230, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, report the same back amended, and recommend its passage as amended.

SHAFTER, for Committee.

Mr. Lovett, Chairman of the Committee on Public Expenditures, made the following report :

MR. PRESIDENT :—The Committee on Public Expenditures, to whom was referred Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of paying the expenses of improving the burial grounds, and erecting a monument to the memory of W. H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation, having considered the same, a majority of the committee report the bill back, with amendments, and recommend its passage as amended.

LOVETT, Chairman.

Mr. Hall made the following report :

MR. PRESIDENT :—The committee consisting of the Yolo delegation, to whom was referred Assembly bill No. 297, an Act to fix the salary of the County Superintendent of Public Schools in Solano County, having had the same under consideration, report the same back without amendment, and recommend its passage.

HALL, for Committee.



Assembly bill No. 297, above reported, was taken up under suspension of the rules, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Evans made the following report :

Mr. PRESIDENT :—The Tuolumne delegation, to whom was referred Assembly bill No. 221, an Act for the relief of Miss M. H. Bowne, have had the same under consideration, and report the bill back, with the recommendation that it be indefinitely postponed ;

Also, have considered Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department, and report the same back, and recommend its passage.

EVANS, for Delegation.

Mr. Meyers made the following report :

Mr. PRESIDENT :—Your committee, consisting of the Mono, Tuolumne, and San Joaquin delegations, to whom was referred Assembly bill No. 232, an Act to grant to John N. Duddleston and his associates and assigns the right to construct and maintain a toll road in Mono County, have had the same under consideration, and beg leave to report it back to the Senate, and recommend its passage.

MEYERS, for Delegations.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two ;

Also, Senate bill No. 167, (Senate substitute,) an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 185, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty ;

Also, Senate bill No. 196, an Act supplementary to an Act entitled an Act to establish a Female Department in the County Jail of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-three ;

Also, Senate bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties ;

Also, Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County ;

Also, Senate bill No. 245, an Act to authorize the City and County of San Francisco to convey certain real estate to the State of California.

ROBERTS, Chairman.

Mr. Crane made the following report :

Mr. PRESIDENT :—The Alameda delegation, to whom was referred Senate bill No. 203, an Act to provide for the erection of a Jail and the repairs of the Court-house in the County of Alameda, having had the same

under consideration, report the same back, and recommend its passage.  
CRANE, for Delegation.

Mr. Foulke, Chairman of the Committee on Public Printing, made the following report :

Mr. PRESIDENT :—Your Committee on Public Printing have considered Assembly bill No. 301, an Act to provide for furnishing in printed form the poll and tally list papers for election purposes, report it back, and recommend its reference to the Committee on Elections.

FOULKE, Chairman.

Assembly bill No. 301, above reported, referred to the Committee on Elections.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 1st, 1864. }

*To the Senate of the State of California :*

I hereby nominate to the office of Port Warden of the port of San Francisco :

Captain George S. Porter, vice J. B. Leonard, removed ;

Marion M. Richardson, vice Gardner S. Lawton, removed ;

Captain Samuel P. Wells, vice Christopher C. Batterman, removed ;  
and,

D. J. Staples, a present incumbent ; and ask the concurrence of the Senate therein.

FRED'K F. LOW,  
Governor.

The above message and appointments were ordered to top of the file for Thursday, March third.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 1st, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 204, an Act to exempt active and exempt firemen from jury duty in the County of Nevada ;

Also, Senate bill No. 166, an Act concerning the District Courts of this State ;

Also, Senate bill No. 183, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 217, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one ;

Also, Senate bill No. 223, an Act for the relief of John I. Sykes, County Auditor of Nevada County.

FRED'K F. LOW,  
Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 1st, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly, on the twenty-ninth ultimo, passed Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco ;

Also, same day, concurred in Senate amendment to Assembly amendment to Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, on the twenty-fifth ultimo, passed Assembly bill No. 222, an Act in relation to the water front adjacent to Block Number Nine in the City and County of San Francisco ;

Also, same day, passed Assembly bill No. 272, an Act to grant William Beale the right to construct a toll road from Arm's store, in Sierra Valley, to the Junction House, on the Henness Pass Road, in the County of Sierra, and to collect toll thereon ;

Also, on same day, passed Assembly bill No. 279, an Act supplementary to and amendatory of the Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and sixty-one ;

Also, on the twenty-sixth ultimo, passed Assembly bill No. 282, an Act to provide for the construction of a wagon road in the Counties of Fresno and Mono ;

Also, on the twenty-fifth ultimo, passed Assembly bill No. 311, an Act to amend an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, and amended April twenty-fifth, eighteen hundred and sixty-three ;

Also, on the twenty-sixth ultimo, passed Assembly bill No. 313, an Act to create a Special Fund for the erection of a jail in the County of San Bernardino.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 1st, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly has, this day, passed Assembly bill No. 300, an Act to provide for the ascertaining the amount of fees paid to certain officers.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 2d, 1864. }

MR. PRESIDENT :—The Assembly, on the twenty-ninth day of February, eighteen hundred and sixty-four, passed, with amendments, the Senate substitute for Assembly bill No. 132, an Act more effectually to limit the

time for the presentation and allowance of claims against counties, and ask the Senate to concur in said amendments.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 300, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 272, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 282, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 311, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 279, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 222, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 313, above reported, read first and second times, and referred to the San Bernardino delegation.

Assembly amendments to Senate substitute for Assembly bill No. 132, above reported, concurred in.

Mr. Foulke, by leave, presented a minority report from the Committee on Claims, on Senate bill No. 59.

The report was ordered printed.

[For report, see Appendix.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pierce, for an Act to confer certain powers on the Board of Supervisors of the County of Sonoma.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Rush, for an Act to authorize the Board of Supervisors of Colusa County to levy a special tax to create a Redemption Fund for the payment of county indebtedness.

Read first and second times, and placed on file.

By Mr. Evans, for an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to aid in the construction of a railroad over the Sierra Nevada Mountains, as a link to the Pacific Railroad, and to create a funded debt for that purpose.

Read first and second times, referred to the Committee on Finance, and ordered printed.

#### GENERAL FILE.

Assembly bill No. 216, an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools—considered as in Committee of the Whole.



Pending the consideration, the hour arrived for taking up the special order, Senate concurrent resolutions No. 25, relative to the segregation of agricultural and grazing lands from the mineral lands of this State.

On motion of Mr. Yule, the resolutions were placed second on file for Friday, March fourth, eighteen hundred and sixty-four.

The consideration of Assembly bill No. 216 was resumed—amended in committee, and the amendments taken up *seriatim*.

On concurring in the following amendment to section four, to wit: Strike out all after the word "Treasurer," in line twenty, the ayes and noes were demanded, by Messrs. Benton, Yule, and Burnell, and taken, with the following result:

AYES—Messrs. Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Hawes, Henry, Maddox, McMurtry, Pierce, Redington, Rush, Tuttle, and Wright—15.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Kutz, Meyers, Moyle, Porter, Roberts, Shafter, Shepard, Smith, and Yule—16.

So the Senate refused to concur in the amendment.

On concurring in the amendment to section fourteen, line six, to wit: add after the words "Public Schools" the words "without special permission from the School Trustees," the ayes and noes were demanded, by Messrs. Rush, Hawes, and Burnell, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Haswell, Henry, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—25.

NOES—Messrs. Freeman, Hamilton, Hawes, Pierce, and Rush—5.

So the amendment was concurred in.

Mr. Hawes offered the following amendment: Insert next after the words "Public Schools," in section fourteen, line four, printed bill, the following:

"And no part of the State or County School Fund shall be appropriated towards the support or maintenance of any Public School which said prohibited persons are permitted to attend."

Amendment rejected.

Mr. Pierce moved to amend by striking out section four.

On which, the ayes and noes were demanded, by Messrs. Pierce, Rush, and Hamilton, and taken, with the following result:

AYES—Messrs. Buckley, Freeman, Hamilton, Hawes, Maddox, Pierce, and Rush—7.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Kutz, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Wright—22.

So the motion was lost.

Mr. Pierce now moved to strike out section fourteen.

On which, the ayes and noes were demanded, by Messrs. Pierce, Benton, and Rush, and taken, with the following result:

AYES—Messrs. Freeman, Hamilton, Pierce, and Rush—4.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Hall, Haswell, Hawes, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Wright—23.

So the motion was lost.

Mr. Pierce now moved to amend by striking out the last paragraph of section thirteen.

Lost.

Mr. Evans moved to amend section thirteen by adding the words "for said Public Schools."

Adopted.

Mr. Gaskill now moved to amend section one, line one, by striking out the word "five," and inserting in place thereof the words "two and one half."

On which amendment, the ayes and noes were demanded, by Messrs. Gaskill, Wright, and Foulke, and taken, with the following result:

AYES—Messrs. Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Pierce, Redington, Rush, Shafter, and Wright—11.

NOES—Messrs. Benton, Burnell, Crane, Foulke, Hall, Haswell, Kutz, McMurtry, Moyle, Porter, Roberts, Shepard, Tuttle, and Yule—14.

So the amendment was lost.

Mr. Hamilton moved to strike out section seven.

Lost.

Mr. Pierce moved to strike out section nine.

On which, the ayes and noes were demanded, by Messrs. Wright, Evans, and Freeman, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Evans, Freeman, Gaskill, Hall, Hamilton, Haswell, Henry, Maddox, Pierce, Redington, Rush, Shafter, Tuttle, and Wright—18.

NOES—Messrs. Benton, Crane, Foulke, Heacock, Jones, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, and Yule—12.

So the amendment was adopted.

Mr. Haswell moved to amend section thirteen, line nine, by inserting, after the word "census," the following:

"*Provided*, That the County Superintendent shall have the power to order a new census to be taken, if, in his judgment, the cause of education demands the same to be done."

Mr. Gaskill now moved to recommit the bill to the Committee on Education.

The motion to recommit was lost.

The vote was then taken on Mr. Haswell's amendment.

Carried.

Mr. Pierce now moved to indefinitely postpone the bill.

Mr. Hawes moved to amend section one, line twenty-three, by striking out the words "State School Fund," and inserting in place thereof, the words "County Treasury, to the credit of the County School Fund."

A motion to place the bill at top of file for Saturday, March fifth, was lost.

The question recurring on Mr. Hawes' amendment, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Hamilton, and taken, with the following result:

AYES—Messrs. Buckley, Dodge, Freeman, Hamilton, Hawes, Montgomery, Pierce, Redington, and Rush—9.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Gaskill, Hall, Haswell, Heacock, Jones, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, Shafter, Shepard, Wright, and Yule—21.

So the amendment was rejected.

The question now being on Mr. Pierce's motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Pierce, Hamilton, and Benton, and taken, with the following result:

AYES—Messrs. Buckley, Freeman, Hamilton, Montgomery, Pierce, Redington, and Rush—7.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Haswell, Heacock, Henry, Jones, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, Shafter, Shepard, Tuttle, Wright, and Yule—23.

So the motion was lost.

The Chair (Mr. Shafter) declared that the loss of the motion to indefinitely postpone the bill was equivalent to ordering the bill read the third time.

Mr. Gaskill offered to amend by striking out section eleven.

The Chair decided the motion out of order.

Mr. Gaskill appealed.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was taken, and the Chair was sustained.

The bill was read third time.

Mr. Gaskill moved that the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Montgomery, and Hawes, and taken, with the following result:

AYES—Messrs. Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Kutz, Montgomery, Pierce, Redington, and Rush—11.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Hawes, Heacock, Maddox, McMurtry, Moyle, Porter, Roberts, Shafter, Shepard, Tuttle, Wright, and Yule—19.

So the motion was lost.

Mr. Gaskill now moved to recommit the bill to the Senator from Alameda, with instructions to arrange the amendments as adopted.

Mr. Rush moved to amend the instructions, by adding to strike out the word "five," line one, section one, and in place thereof insert the word "three."

The amendment to the instructions was lost.

On the recommitment, the ayes and noes were demanded, by Messrs. Gaskill, Hamilton, and Rush, and taken, with the following result:

AYES—Messrs. Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Montgomery, Redington, Rush, and Shafter—10.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Heacock, Jones, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, Shepard, Tuttle, Wright, and Yule—19.

So the motion was lost.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Gaskill, Hamilton, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Heacock, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, Shepard, Tuttle, Wright, and Yule—18.

NOES—Messrs. Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Hawes, Montgomery, Pierce, Redington, Rush, and Shafter—12.

So the bill passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and also, to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five ;

Also, Senate bill No. 151, an Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four.

And said bills were, this the second day of March, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 2d, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-ninth ultimo, passed Assembly bill No. 189, an Act to amend an Act entitled an Act in relation to liens of mechanics and others ;

Also, same day, passed Assembly bill No. 247, an Act to authorize the Executors of the last will and testament of Elias S. Cooper, deceased, to sell and convey real estate ;

Also, on the twenty-fifth ultimo, passed Assembly bill No. 274, an Act to regulate the fees and fix the salaries of certain officers in the County of Santa Clara ;

Also, same day, passed Assembly bill No. 286, an Act to authorize the Guardian of certain minor children to sell and convey real estate ;

Also, on the twenty-ninth ultimo, passed Assembly bill No. 287, an



Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three;

Also, same day, passed Assembly bill No. 328, an Act to amend an Act entitled an Act to incorporate the Town of Eureka, Humboldt County, approved April ninth, eighteen hundred and fifty-nine;

Also, same day, passed Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 2d, 1864. }

MR. PRESIDENT:—The Assembly, this day, refused to recede from its amendment to Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three, and also refused to appoint a Committee of Free Conference on the same.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 2d, 1864. }

MR. PRESIDENT:—The Assembly, this day, indefinitely postponed Senate bill No. 155, an Act relative to the office of County Treasurer of the County of Sacramento.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 2d, 1864. }

MR. PRESIDENT:—I am instructed to inform the Senate that the Assembly has this day amended and passed Senate bill No. 116, an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and ask the concurrence of the Senate to said amendment.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The amendments to Senate bill No. 116, above reported, were concurred in.

Assembly bill No. 189, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 247, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 286, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 274, above reported, was read first and second times, and placed on file.

Assembly bill No. 287, above reported, was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 328, above reported, was read first and second times, and referred to the Humboldt delegation.

Assembly bill No. 329, above reported, was read first and second times, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 128, with Assembly amendments, was taken up, and, on motion of Mr. Wright, the Senate appointed a Committee of Conference, and requested the Assembly to appoint a like committee.

Mr. Hartson was granted indefinite leave of absence.

At six o'clock P. M., on motion of Mr. Burnell, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, March 3d, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read, corrected, and approved.

The President announced, as the Committee of Conference on the disagreement between the two Houses on Senate bill No. 128, Messrs. Wright, Heacock, and Porter.

## REPORTS.

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bills Nos. 75 and 211, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands, having had the same under consideration, report them back, and recommend their indefinite postponement.

HALL, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 242, an Act for the relief of J. A. Moultrie, have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

JONES, Chairman.

Mr. Pierce, from the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The undersigned, a minority of the Committee on Public Expenditures, to whom was referred Senate bill No. 12, an Act to authorize an appropriation of money for burial grounds and to erect a monument to the memory of Honorable W. H. Weeks, begs leave to respectfully report that he has had the same under consideration; that, although a majority of your committee recommend the passage of a bill, the undersigned is decidedly of opinion that the erection of *tomb tables* or monuments is not one of the purposes for which government was established in this State.

If the object of the bill and the erection of the monument provided for in it is to excite emulation of the many virtues of the deceased, his wisdom, meekness, or greatness, why not take the superlative in these respects, rather than the comparative. Certainly, Solomon was a wiser, Job a meeker, and, no doubt, Moses a greater man than the deceased. Yet, Sir, what monumental spire marks the sepulchre of Moses.

Let men so conduct themselves while living that after death their deeds, their worthy deeds alone, will prove a sufficient monument to their memory.

The undersigned does not conceive that the Legislature has the right to make the appropriation asked in the bill, and, therefore, recommends that the bill be indefinitely postponed.

PIERCE, Minority of Committee.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 300, entitled an Act to provide for ascertaining the amount of fees paid to certain officers, report the same back, and recommend its passage;

Also, Assembly bill No. 304, entitled an Act to amend section nineteen of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 275, an Act relating to elections held by political parties or associations, having had the same under consideration, report it back amended, and recommend its passage as amended;

Also, Senate bill No. 52, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three, report it back, and recommend it be referred to the special committee on the same subject;

Also, Senate bill No. 249, an Act concerning crimes and punishments, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City, report the same back, and recommend its passage;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three, report the same back, and recommend its passage;

Also, Senate bill No. 252, an Act relating to chattel mortgages, report the same back, and recommend its passage.

SHAFTER, for Committee.

Senate bill No. 52, above reported, was referred to the select committee consisting of Messrs. Crane, Heacock, and Hale.

Mr. Wright made the following report :

MR. PRESIDENT :—The delegation to whom was referred Assembly bill No. 328, an Act to amend an Act entitled an Act to incorporate the Town of Eureka, Humboldt County, approved April ninth, eighteen hundred and fifty-nine, have had the same under consideration, and respectfully report the same back, with the recommendation that it pass.

WRIGHT.

Assembly bill No. 328, above reported, was taken up under a suspension of the rules, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Roberts, from the joint committee appointed under Senate concurrent resolution No. 14, relative to an investigation into the affairs of the Deaf, Dumb, and Blind Asylum, made a report.

The report was ordered printed.

Mr. Rush made the following report :

MR. PRESIDENT :—Your committee to whom was referred Assembly concurrent resolution No. 34, granting leave of absence to L. W. Elliott, District Attorney for Tehama County, having had the same under consideration, report it back, and recommend its adoption.

RUSH, for Committee.

Assembly concurrent resolution No. 34, above reported, was adopted.

Mr. Tuttle made the following report :

MR. PRESIDENT :—The San Bernardino delegation to whom was referred Assembly bill No. 313, an Act to create a Special Fund for the erection of a Jail in the County of San Bernardino, beg leave to report the same back, and recommend its passage.

TUTTLE, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 125, an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

FRED'K F. LOW,  
Governor



## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts, from special committee, for an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the Indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-ninth, eighteen hundred and sixty-three.

Read first and second times, placed on file, and the usual number of copies ordered printed.

By Mr. Shafter, for an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to provide for the better collection of water rates in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to grant additional powers to the Board of Supervisors of the City and County of San Francisco, and to organize and regulate the Fire Department of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Roberts, for an Act to authorize the Board of Supervisors of Nevada County to levy an additional tax for county purposes.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed. Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

By Mr. Jones, for an Act to aid in the construction of the Central Pacific Railroad, and to secure the use of the same for military and other purposes, and other matters relating thereto.

Read first and second times, referred to the Finance Committee, and ordered printed.

By Mr. Rush, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

## RESOLUTIONS.

Mr. Roberts offered a concurrent resolution relative to paying certain claims.

Adopted.

Mr. Pierce offered the following resolution :

*Resolved*, That the Board of Military Auditors constituted by virtue of an Act passed April twenty-fifth, eighteen hundred and sixty-three, be and they are hereby requested and directed to report to the Senate the annual cost and expense to the State of the military encampments,

camps of instruction, etc., authorized by the said Act, showing the entire cost, as near as may be, audited and unaudited.

Adopted.

#### GENERAL FILE.

Senate bill No. 59—was ordered to top of file for Saturday, March fifth, eighteen hundred and sixty-four.

On motion of Mr. Shafter, Senate bill No. 275, an Act relating to elections held by political parties or associations, was taken up—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

On the motion to order the bill engrossed and read a third time, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Crane, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Dodge, Gaskill, Hall, Haswell, Kutz, McMurtry, Meyers, Smith, and Wright—12.

NOES—Messrs. Buckley, Crane, Evans, Freeman, Hawes, Heacock, Jones, Maddox, Montgomery, Pierce, Porter, Roberts, Rush, Shafter, and Yule—15.

So the motion was lost.

Mr. Shafter gave notice that on to-morrow he would move to reconsider the above vote.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 226, an Act to provide for collecting wharfage in Napa City;

Also, Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two;

Also, Senate bill No. 244, an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two;

Also, Senate bill No. 246, an Act to create a Contingent Fund for the County of Tulare;

Also, Senate bill No. 255, an Act to amend an Act entitled an Act to regulate the fees of certain officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine;

Also, Senate bill No. 259, an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty;

Also, Senate bill No. 269, an Act to prevent hogs running at large in certain counties of this State;

Also, Senate bill No. 272, an Act to fix the salary of the Superintendent of Public Schools of the County of Sutter.

ROBERTS, Chairman.

Mr. Haswell, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough;

Also, Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lots in Sacramento;

Also, Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon;

And this day, at one o'clock P. M., delivered the same to the Governor, for his approval.

HASWELL, for Committee.

#### GENERAL FILE RESUMED.

On motion of Mr. Wright, the Senate went into Executive Session, to consider the appointments of the Governor.

#### EXECUTIVE SESSION.

The appointment of Captain George S. Porter, as Port Warden of the Harbor of San Francisco, vice J. B. Leonard, removed, was confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Freeman, Gaskill, Hall, Haswell, Hawes, Heacock, Henry, Jones, Maddox, McMurtry, Meyers, Pierce, Porter, Roberts, Rush, Shafter, Shepard, Wright, and Yule—26.

NOES—None.

The appointment of Marvin M. Richardson, as Port Warden of the Harbor of San Francisco, vice Gardner T. Lawton, removed, was confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Haswell, Hawes, Heacock, Henry, Jones, Maddox, McMurtry, Meyers, Porter, Roberts, Rush, Shafter, Shepard, Wright, and Yule—24.

NOES—None.

The appointment of Captain Samuel P. Wells, as Port Warden of the Harbor of San Francisco, vice Christopher C. Batterman, removed, was confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Haswell, Heacock, Henry, Jones, McMurtry, Meyers, Porter, Roberts, Rush, Shepard, Wright, and Yule—21.

NOES—None.

The appointment of D. J. Staples, present incumbent, as Port Warden of the Harbor of San Francisco, was confirmed, by the following vote:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Haswell, Heacock, Henry, Jones, Kutz, McMurtry, Meyers, Porter, Roberts, Rush, Shafter, Shepard, Wright, and Yule—23.

NOES—None.

There being no further business, the Executive Session was dissolved and the

GENERAL FILE RESUMED.

Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States, was under consideration as in Committee of the Whole.

Mr. Hawes moved a call of the Senate.

The motion prevailed.

Messrs. Burnell, Crane, Foulke, Gaskill, Hale, Henry, Haskin, Jones, Meyers, Moyle, and Yule, were absent without leave.

Mr. Meyers appeared and was excused.

On motion of Mr. Benton, further proceedings under the call were suspended.

The bill was further amended, as in committee, reported back, and amendments concurred in.

Mr. McMurtry moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Pierce, and Buckley, and taken, with the following result:

AYES—Messrs. Buckley, Heacock, Kutz, McMurtry, and Wright—5.

NOES—Messrs. Benton, Cunningham, Evans, Freeman, Hall, Haswell, Hawes, Maddox, Meyers, Montgomery, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, Smith, and Yule—19.

So the motion was lost.

The bill was ordered engrossed and read third time.

On motion of Mr. Hawes, the following bill was taken up out of its order: Senate bill No. 297, an Act supplementary to an Act entitled an Act concerning crimes and punishments—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

On the question to order the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Freeman, Wright, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Dodge, Hall, Haswell, Hawes, Heacock, Maddox, McMurtry, Meyers, Porter, Shafter, Shepard, and Tuttle—14.

NOES—Messrs. Cunningham, Evans, Foulke, Freeman, Gaskill, Hamilton, Pierce, Rush, Wright, and Yule—10.

So the bill was ordered engrossed.

Senate bill No. 276, an Act to create the office of State Geologist, and define the duties thereof—considered as in Committee of the Whole, reported back without amendment, and referred to the Finance Committee.

Assembly bill No. 164, an Act amendatory of and supplementary to an Act entitled an Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 277, an Act to fix the compensation of the District Attorney of Colusa County—considered as in Committee of the Whole,



reported back without amendment, and ordered engrossed and read third time.

Senate bill No. 280, an Act to allow additional compensation to the Board of Supervisors of Nevada County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 293, an Act to amend an Act entitled an Act to provide for the funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 219, an Act to authorize certain parties to straighten and clear the channel of Owens River, in Mono County—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Heacock, Cunningham, and Gaskill, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Gaskill, Heacock, and Meyers—5.

NOES—Messrs. Buckley, Cunningham, Dodge, Evans, Freeman, Hamilton, Haswell, Henry, Maddox, McMurtry, Pierce, Porter, Rush, Shafter, Shepard, Smith, Tuttle, and Wright—18.

So the engrossment was refused.

At four o'clock and thirty minutes P. M., on motion of Mr. Pierce, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 4th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

## REPORTS.

Mr. Haswell, Chairman of the Committee on State Hospitals, made the following report:

Mr. PRESIDENT:—Your Committee on State Hospitals, to whom was referred Assembly bill No. 240, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor,

approved April twenty-fifth, eighteen hundred and sixty-three, beg leave to report it back, and recommend its passage.

HASWELL, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 180, an Act to regulate proceedings on motions for new trial, or in arrest of judgment, and on appeal, in criminal cases in Justices', Recorders', Mayors' and Police Courts, report the same back amended, and recommend its passage as amended;

Also, Assembly bill No. 234, an Act to authorize Lucian B. Healy to sell certain real estate, report the same back, and recommend its passage;

Also, Senate bill No. 267, an Act providing for the time of holding the County and Probate Courts in the County of Alameda, and recommend its passage;

Also, Senate bill No. 145, an Act supplementary to an Act entitled an Act for the protection of water companies, approved May eighteenth, eighteen hundred and sixty-one, and recommend its passage;

Also, Assembly bill No. 286, an Act to authorize the Guardian of certain minor children to sell and convey real estate, and recommend its passage;

Also, Assembly bill No. 247, an Act to authorize the Executors of the last will and testament of Elias S. Cooper, deceased, to sell and convey real estate, and recommend its passage;

Also, Assembly bill No. 189, an Act to amend an Act entitled an Act in relation to liens of mechanics and others, passed April twenty-sixth, eighteen hundred and sixty two, and recommend its passage.

SHAFTER, for Committee.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Assembly bill No. 282, an Act to provide for the construction of a wagon and turnpike road in the Counties of Fresno and Mono, having had the same under consideration, report it back, and recommend its passage;

Also, Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road, report it back, and recommend its passage.

LEONARD, Chairman.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 207, an Act to establish Pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia, having duly considered the same, recommend its passage with the amendments to sections one, six, seven, eight, and twenty-four, herewith reported.

PORTER, Chairman.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly

ASSEMBLY CHAMBER,  
March 3d, 1864. }

Mr. PRESIDENT:—I am instructed to inform the Senate that the Assembly, this day, appointed Messrs. Owen, Wright, and Martin, a Committee of Free Conference on the part of the Assembly, on Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three;

Also, this day, passed Senate bill No. 232, an Act to extend the time to construct a toll bridge across Feather River, near Oroville, in Butte County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 4th, 1864. }

Mr. PRESIDENT:—The Assembly, on the third instant, passed Senate bill No. 303, an Act to authorize the Board of Supervisors of Nevada County to levy a special tax for county purposes.

R. H. DALY,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shafter, for an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr. Hale, for an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to amend an Act entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Leonard, for an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same.

Read first and second times, and placed on file.

By Mr. Tuttle, for an Act requiring the Tax Collector of the County of San Diego to collect all taxes levied and assessed on personal property in San Diego County, or be liable on his official bond for the same.

Read first and second times, and referred to the Finance Committee.

Also, for an Act in relation to the office of Superintendent of Common Schools in San Diego County.

Read first and second times, and referred to Committee on Education.

Also, for an Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego.

Read first and second times, and placed on file.

On motion of Mr. Porter, Senate bill No. 207, above reported, was ordered to top of the file for Wednesday, March ninth, eighteen hundred and sixty-four, and the bill, with reported amendments, ordered printed.

Indefinite leave of absence was granted to Mr. Shafter, and leave for three days to Mr. Benton.

Mr. Shafter, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday refused to order engrossed Senate bill No. 275, an Act relating to elections held by political parties or associations.

The motion prevailed.

On motion of Mr. Pierce, the bill was referred to a select committee of five, to be appointed by the President.

The President appointed as said committee, Messrs. Pierce, Shafter, Porter, Hale, and Cunningham.

Mr. Dodge offered the following resolutions :

*Resolved*, That on and after Wednesday, March ninth, instant, the Secretary of the Senate be instructed to prepare two files of Senate bills, on one of which shall be placed local and special bills only.

*Resolved*, That from and after said date the Senate shall meet for evening sessions, at seven o'clock P. M., each day, for the consideration of the local and special file.

The resolutions were, in compliance with the rules, laid over for one day.

The Chairman of the Committee on Engrossment was, by unanimous consent, directed to insert an enacting clause in Senate bill No. 297, an Act supplementary to an Act entitled an Act concerning crimes and punishments.

#### GENERAL FILE.

Senate bill No. 291, an Act to provide for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts—considered as in Committee of the Whole.

Pending the consideration of the bill, Mr. Haswell, from the Committee on Enrolment made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 303, an Act to authorize the Board of Supervisors of Nevada County to levy a special tax for county purposes.

And this day, at twelve o'clock and fifteen minutes P. M., placed the same in the hands of the Governor for his approval.

Also, Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.

And this day, at eleven o'clock and thirty minutes A. M., delivered the same to the Governor for his approval.

HASWELL, for Committee:



On motion of Mr. Porter, the following message from the Assembly was taken up :

ASSEMBLY CHAMBER,  
March 4th, 1864. }

MR PRESIDENT :—The Assembly this day unanimously adopted Assembly concurrent resolution No. 35, in honor of the memory of the late Reverend Thomas Starr King.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 35, above reported, was concurred in.

#### GENERAL FILE RESUMED.

The consideration of Senate bill No. 291 was resumed—further amended in committee, reported back with amendments, and the amendments concurred in with the following exceptions :

On the motion to strike out section twenty-six, the ayes and noes were demanded, by Messrs, Gaskill, Crane, and Hawes, and taken, with the following result :

AYES—Messrs. Burnell, Evans, Freeman, Gaskill, Hale, Hamilton, Jones, Leonard, Maddox, Rush, Shepard, Tuttle, Wright, and Yule—14.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Hall, Haswell, Hawes, Heacock, Henry, Kutz, McMurtry, Meyers, Pierce, Porter, Redington, and Roberts—17.

So the amendment was lost.

On the adoption of an additional section, to wit :

“Section 55. The provisions of this Act shall not apply to the counties of Placer, Butte, Plumas, Tulare, Fresno, Yuba, El Dorado, Tuolumne, Amador, Colusa, Humboldt, Klamath, Del Norte, Merced, Mariposa, Stanislaus, Mono, Tehama, Los Angeles, Calaveras, Shasta, Trinity, San Bernardino, Santa Barbara, San Luis Obispo, and San Diego.”

The ayes and noes were demanded, by Messrs. Foulke, Gaskill, and Jones, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Henry, Jones, Leonard, Maddox, Rush, Shepard, Tuttle, Wright, and Yule—16.

NOES—Messrs. Buckley, Crane, Dodge, Foulke, Hall, Haswell, Hawes, Heacock, Kutz, McMurtry, Meyers, Pierce, Porter, Redington, and Roberts—15.

So the amendment was adopted.

Mr. Heacock offered the following amendment :

“*Provided*, That the exemption of counties under this Act shall not exempt such exempted counties from the payment of such claims and demands as may lawfully be made against them by other counties under the provisions of this Act.”

On which, the ayes and noes were demanded, by Messrs. Heacock, Evans, and Haswell, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Hall, Haswell, Hawes, Heacock, Kutz, McMurtry, Meyers, Pierce, Porter, Redington, and Roberts—16.

NOES—Messrs. Burnell, Evans, Freeman, Gaskill, Hale, Hamilton, Henry, Jones, Leonard, Maddox, Montgomery, Rush, Shepard, Tuttle, Wright, and Yule—16.

So the amendment was lost.

Mr. Gaskill now moved to indefinitely postpone the bill.

Mr. Hawes moved to place the bill at top of the file for Friday, March eleventh, instant.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Wright, and Cunningham, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Dodge, Foulke, Hall, Hamilton, Haswell, Hawes, Heacock, Henry, Kutz, McMurtry, Meyers, Pierce, Porter, Redington, and Roberts—17.

NOES—Messrs. Burnell, Cunningham, Freeman, Gaskill, Hale, Jones, Leonard, Maddox, Montgomery, Rush, Tuttle, Wright, and Yule—13.

So the bill was ordered to top of the file for Friday, eleventh instant.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty ;

Also, Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company ;

Also, Senate bill No. 169, an Act concerning assessments upon the stock of corporations ;

Also, Senate bill No. 247, an Act to grant the right to construct a wagon road in Tulare County ;

Also, Senate bill No. 248, an Act to amend an Act passed April second, eighteen hundred and fifty-five, entitled an Act to suppress houses of ill fame ;

Also, Senate bill No. 250, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two ;

Also, Senate bill No. 254, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two ;

Also, Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt ;

Also, Senate bill No. 273, an Act to revive and re-enact sections four and five of an Act entitled an Act amendatory of and supplementary to

an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and to repeal a former Act relating thereto ;

Also, Senate bill No. 297, an Act supplementary to the Act entitled an Act concerning crimes and punishments.

ROBERTS, Chairman.

At four o'clock and ten minutes P. M., on motion of Mr. Yule, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 5th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Journal of yesterday read and approved.

Mr. Haswell presented a petition of W. P. Monroe, asking for relief.

Referred to Finance Committee.

## REPORTS.

Mr. Crane, Chairman of the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Senate bill No. 315, an Act entitled an Act in relation to the office of Superintendent of Common Schools in San Diego County, have had the same under consideration, and report it back, with a recommendation that the bill pass.

CRANE, Chairman.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT :—The Committee on Elections, to whom was referred Senate bill No. 74, have considered the same, and report it back with amendments, and recommend its passage as amended ;

Also, Assembly bill No. 301, and report the same back, and recommend its passage.

GASKILL, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT :—Your Committee on Claims, to whom was referred the claim of I. & S. Wormser, (assignees) have had the same under consideration, and report it back with the accompanying bill, and recommend the passage of the bill ;

Also, the claim of J. T. Hall, and report the same back, with the accompanying bill, without recommendation.

JONES, Chairman.

# MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 5th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 153, an Act to limit the time for the commencement of civil actions in certain cases ;

Also, Senate bill No. 116, an Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three ;

Also, Senate bill No. 184, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three ; and also, to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five ;

Also, Senate bill No. 151, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four ;

Also, Senate bill No. 121, an Act to appropriate money to pay the claim of George W. Gordon ;

Also, Senate bill No. 86, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge and build a road across Butte Creek Slough.

FRED'K F. LOW,  
Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
Sacramento, March 4th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 303, an Act to authorize the Board of Supervisors of Nevada County to levy an additional (tax) for county purposes.

FRED'K F. LOW,  
Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
Sacramento, March 5th, 1864. }

*To the Senate of the State of California :*

I herewith transmit, in accordance with a resolution of your honora-



ble body, a statement, by the Board of Military Auditors, of the annual cost and expense to the State of the military encampments, camps of instruction, etc., authorized by the Act of April twenty-fifth, eighteen hundred and sixty-three.

FRED'K F. LOW,  
Governor.

The above statement was referred to the Finance Committee.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 5th, 1864. }

*To the Senate of the State of California :*

Senate bill No. 153, an Act to limit the time for commencing civil actions in certain cases, which has been returned to-day with my approval, has some material defects, and I have only given it my approval because the general objects to be attained by it seem to be good, and the defects can be remedied by a supplemental Act.

The bill referred to is in effect a *limitation Act*, which applies only to lands in the City and County of San Francisco. It does not except from its operation the property owned by the City and County of San Francisco, as, in my judgment, it should, in plain and explicit language; neither does it except from its operation those persons under legal disability; both of which, I presume, must have been overlooked in the passage of the bill.

The City and County of San Francisco is not in "actual possession" of her public squares, lots on which to erect engine-houses, School-houses, etc., and it would seem to be unwise to force the corporation to institute suits for all its property within the year after the Act takes effect; neither does it comport with my ideas of equity and justice to place on an equality in law, minors, insane persons, those in prison, or married women in certain cases—all of which are exempted, under the general law, from the operation of the statute of limitations.

I have, therefore, urgently to recommend the passage of a supplemental Act which will remedy the defects I have indicated.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 5th, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers.

The Act of April twenty-second, eighteen hundred and fifty, concerning forcible entries and unlawful detainers, (Wood's Digest, page four hundred and sixty-seven,) and the Acts amendatory thereof, gave a summary remedy for the recovery of lands which did not exist at the common law. (McCauley vs. Weller, 12 Cal., 524.) It was quasi criminal in its character, as it provided for the infliction of a fine. The right was created, and the remedy provided by the statute.

On the twenty-seventh of April, eighteen hundred and sixty-three, (Statutes eighteen hundred and sixty-three, page six hundred and fifty-two,) an Act concerning forcible entries was passed, which, by its pro-

visions, took effect on the first day of January, eighteen hundred and sixty-four, and at the same time repealed all former Acts upon the subject. The Act seems very explicit, for the reason that the titles of all former Acts are by name mentioned as being repealed when the new Act shall take effect. On the first day of January, eighteen hundred and sixty four, the former Acts became obsolete, and the same as though they had never been passed.

The decisions of Courts in regard to the repeal of any statute is to the effect that it obliterates it as completely as if it had never been passed, and that it must be considered as a law that never existed except for the purpose of those actions or suits which were commenced, prosecuted, and *concluded*, while it was an existing law. If, on the second of January, eighteen hundred and sixty-four, an action had been commenced, charging that a forcible entry and detainer had been committed in December, eighteen hundred and sixty-three, it would have been a complete answer for the defendant to have alleged that the law creating the offence had been repealed. To-day the same defence is good.

The bill under consideration proposes to revive the old law "as to any act done or right accrued or established, or cause of action which existed, and as to *any* suit or proceeding upon or for the same, pending or in judgment on the said thirty-first day of December, eighteen hundred and sixty-three." If it should become a law, it would authorize a recovery to be had and a penalty inflicted for a subject matter already past, and which would not now subject the party charged to any penalty. In this respect it is in the nature of an *ex post facto* law, and being so, is prohibited by both the Constitution of the United States, (Article One, section nine,) and of this State, (Article One, section sixteen.) The revival of the law as it existed prior to January first, eighteen hundred and sixty-four, revives the punishment or penalty for a forcible entry committed before that day, as well as authorizes a recovery of the possession of land upon allegations which, to-day, would not constitute a good cause of action.

If the possession of any person has been invaded, he still has his remedy by action of ejectment, notwithstanding the repeal of the old Acts.

For the above reasons, I cannot give my official sanction to the bill in question.

FRED'K F. LOW,  
Governor.

The above message and bill were laid on the table.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 4th, 1864. }

MR. PRESIDENT :—The Assembly, this day, concurred in Senate concurrent resolution No. 26, relative to paying certain claims ;

Also, on the twenty-ninth ultimo, passed Assembly bill No. 76, an Act to establish and maintain Public Pounds for the better securing estrays and unruly horses, mules, cattle, and other stock in the County of San Joaquin ;

Also, same day, passed Assembly bill No. 308, an Act to create the

County of Lassen, to define its boundaries, and provide for its organization ;

Also, same day, passed Assembly bill No. 334, an Act concerning roads and highways in Santa Clara County ;

Also, on yesterday, passed Assembly bill No. 353, an Act supplemental to an Act entitled an Act to authorize the payment of the claim of John T. Diossy, for collating and compiling the revenue laws of this State, approved March second, eighteen hundred and sixty-four ;

Also, on yesterday, concurred in all of Senate amendments to Assembly bill No. 216, an Act supplementary to and amendatory of an Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools, except the amendment to line six, section fourteen, in which the House refuses to concur.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 5th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly, on the twenty-ninth ultimo, passed Assembly bill No. 167, an Act to authorize the Board of Supervisors of Butte County to loan certain money ;

Also, on the third instant, passed Assembly bill No. 351, an Act to authorize the transfer of certain funds from the Current Expense Fund to the Jail Fund in the County of Los Angeles.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 351, above reported, read first and second times, and placed on file.

Assembly bill No. 167, above reported, read first and second times, and referred to the Butte delegation.

Assembly bill No. 334, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 308, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 353, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 76, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly bill No. 216, was returned from the Assembly, with the request to the Senate to recede from their amendment to section thirteen, line six.

The hour having arrived for taking up the General File, Mr. Yule moved to suspend the consideration of the file until the above bill was disposed of.

On which, the ayes and noes were demanded, by Messrs. Foulke, Jones, and Crane, and taken, with the following result :

AYES—Messrs. Crane, Cunningham, Evans, Foulke, Hale, Hall, Haswell, Heacock, Jones, Kutz, Leonard, Maddox, McMurtry, Meyers, Porter, Redington, Roberts, Shepard, Smith, Wright, and Yule—21.



NOES—Messrs. Buckley, Burnell, Dodge, Freeman, Gaskill, Hamilton, Hawes, Montgomery, Pierce, Rush, and Tuttle—11.

So the motion was lost.

#### GENERAL FILE.

Senate bill No. 59, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose—on motion of Mr. Crane, was ordered to top of the file for Tuesday, eighth instant.

Mr. Hale, by leave, made a report.

[For report, see Appendix.]

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 353, an Act supplemental to an Act to authorize the payment of the claim of John T. Diossy, for collating and compiling the revenue laws of this State, approved March second, eighteen hundred and sixty-four, report that the original bill did not make any appropriation for the claim which it allowed, consequently the Controller declined to draw his warrant without the passage of this supplemental Act. Your committee recommend its passage.

JONES, Chairman.

Assembly bill No. 353, above reported, was taken up under a suspension of the rules, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### GENERAL FILE RESUMED.

Senate concurrent resolutions No. 25, relative to the segregation of agricultural and grazing lands from the mineral lands of this State.

Mr. Hale moved to substitute for the above resolutions Senate resolutions No. 15, relative to segregation of mineral lands from agricultural lands.

On motion of Mr. Yule, the resolutions were ordered to top of the file for Thursday, tenth instant.

Mr. Crane moved to take from the table Assembly bill No. 216, an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property.

On which motion, the ayes and noes were demanded, by Messrs. Gaskill, Freeman, and Henry, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Freeman, Gaskill, Hall, Hamilton, Hawes, Henry, Maddox, McMurtry, Meyers, Redington, Roberts, Rush, Shepard, and Tuttle—17.

NOES—Messrs. Foulke, Hale, Kutz, Pierce, Wright, and Yule—6.

So the bill was taken up.

The question being, "Shall the Senate recede from its amendments?"



the vote was taken, and lost, and a Committee of Free Conference appointed on the disagreeing vote.

At twelve o'clock and forty-five minutes p. m., on motion of Mr. Evans, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 8th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hill.

Indefinite leave of absence was granted to Mr. Lovett.

Journal of Saturday last read and approved.

## REPORTS.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT :—The Committee on Elections, to whom was referred Assembly bill No. 150, an Act to create the County of Alpine, to define its boundaries, and to provide for its organization, have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

GASKILL, Chairman.

Assembly bill No. 150, above reported, was ordered to top of the file for Wednesday, March ninth.

Mr. McMurtry made the following report :

MR. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 334, an Act concerning roads and highways in Santa Clara County, beg leave to report the same back with amendment, and recommend the passage of the same as amended.

McMURTRY, for Delegation.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 8th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly, on the fifth instant, amended and passed Senate bill No. 98, an

Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and ask the concurrence of the Senate in said amendments.

R. H. DALY,  
Assistant Clerk.

Senate concurred in Assembly amendments to Senate bill No. 98, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Leonard, for an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, A. D. eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Burnell, for an Act to grant the right to construct a turnpike road between the Town of Ione City, in Amador County, and Miller's Corral, in El Dorado County.

Read first and second times, and referred to the El Dorado and Amador delegations.

By the Committee on Claims, for an Act to appropriate money to pay the claim of J. T. Hall.

Read first and second times, and placed on file.

Also, for an Act to appropriate money to pay the claim of I. & S. Wormser, assignees of T. A. Levison.

Read first and second times, and placed on file.

By Mr. Tuttle, for an Act to prevent Judges, Inspectors, and Clerks of Elections, and persons who carry election returns from the precincts to the county seat, from receiving compensation for the same in San Diego County.

Read first and second times, and referred to the Committee on Elections.

Also, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

By Mr. Buckley, for an Act supplemental to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Committee on Commerce and Navigation.

#### RESOLUTIONS.

Mr. Maddox offered the following resolution :

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing so much of the militia law of this State, approved April twenty-fifth, eighteen hundred and sixty-three, as authorizes the holding of a Camp of Military Instruction, and to make such other inquiries in relation thereto as they may deem proper, and report to the Senate, at an early day, by bill or otherwise.

Adopted.

On motion of Mr. Evans, the resolution of Mr. Dodge, concerning two Senate files, was taken up.

Mr. Crane offered the following substitute :

*Resolved*, That hereafter the Senate will convene at seven o'clock p. m., of Monday, Wednesday, and Friday of each week, for the transaction of business.

Adopted.

On the adoption of the resolution as amended, the ayes and noes were demanded, by Messrs. Wright, Evans, and McMurtry, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Crane, Dodge, Evans, Freeman, Haswell, Henry, Jones, Kutz, McMurtry, Meyers, Porter, Redington, Rush, Smith, Tuttle, Wright, and Yule—19.

NOES—Messrs. Benton, Burnell, Cunningham, Foulke, Gaskill, Hale, Hall, Hamilton, Haskin, Leonard, Maddox, Moyle, and Pierce—13.

So the motion was lost.

On motion of Mr. Leonard, Senate bill No. 313, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same, was taken from its regular order on the file, considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

On motion of Mr. Freeman, Senate bill No. 205, an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, was taken from its regular order on the file, considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, rules suspended, bill considered engrossed, read third time, and passed.

On motion of Mr. Evans, Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers, and the Governor's message disapproving of the bill accompanying the same, were taken from the table and ordered to top of file for Friday, March eighteenth, instant.

#### GENERAL FILE.

Assembly bill No. 249, an Act to provide for funding the indebtedness of the County of Tehama—considered as in Committee of the Whole, reported back with amendments.

On concurring in the amendment to strike out of line thirteen, section two, the words "January next," and insert instead thereof the words "July, one thousand eight hundred and sixty-five," the ayes and noes were demanded, by Messrs. Gaskill, Haskin, and Benton, and taken, with the following result :

**AYES**—Messrs. Buckley, Cot, Crane, Cunningham, Dodge, Evans, Freeman, Hamilton, Henry, Kutz, Leonard, McMurtry, Montgomery, Moyle, Pierce, Redington, Rush, Tuttle, and Wright—19.

**NOES**—Messrs. Benton, Foulke, Gaskill, Hale, Hall, Haswell, Haskin, Maddox, Meyers, and Porter—10.

So the amendment was concurred in.

Further amendments made as in committee, were concurred in.

The question being to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Gaskill, Rush, and Hamilton, and taken, with the following result :

**AYES**—Messrs. Buckley, Crane, Cunningham, Dodge, Evans, Freeman, Hall, Hamilton, Henry, McMurtry, Montgomery, Pierce, Redington, Rush, and Smith—15.

**NOES**—Messrs. Burnell, Foulke, Gaskill, Hale, Haswell, Kutz, Porter, and Wright—8.

So the bill was indefinitely postponed.

Mr. Smith gave notice of a motion to reconsider the above vote.

Senate bill No. 133, an Act to provide for the sale of the interest of the State of California in the territory within the water front line of the City and County of San Francisco—ordered to top of file for Friday, fifteenth instant.

Senate bill No. 59, an Act to provide for the paying of certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose—considered as in Committee of the Whole, and reported back without amendment.

Pending the consideration of the bill, Mr. Evans moved a call of the Senate.

Carried.

The roll was called.

On motion of Mr. Burnell, further proceedings under the call were suspended.

The consideration of Senate bill No. 59 was resumed.

Mr. Jones moved to adjourn.

On which, the ayes and noes were demanded, by Messrs. Moyle, Gaskill, and Dodge, and taken, with the following result :

**AYES**—Messrs. Benton, Crane, Freeman, Gaskill, Jones, Meyers, Moyle, Pierce, Redington, Roberts, Rush, Smith, Tuttle, and Wright—14.

**NOES**—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Evans, Foulke, Hale, Hamilton, Haskin, Kutz, Leonard, Maddox, McMurtry, Montgomery, Porter, and Yule—17.

So the motion was lost.

Mr. Leonard moved the previous question.

The motion was not sustained.

Mr. Evans moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Evans, Wright, and Yule, and taken, with the following result :

**AYES**—Messrs. Benton, Crane, Evans, Freeman, Gaskill, Jones, Meyers, Moyle, Pierce, Redington, Roberts, Rush, Smith, Tuttle, and Wright—15.



NOES—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Foulke, Hale, Hamilton, Haskin, Kutz, Leonard, Maddox, McMurtry, Montgomery, Porter, and Yule—16.

So the motion was lost.

Mr. Wright moved to place the bill at top of the file for Thursday, March tenth, eighteen hundred and sixty-four.

The motion was lost.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Wright, Yule, and Burnell, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Crane, Evans, Freeman, Gaskill, Haskin, Jones, Kutz, Meyers, Montgomery, Moyle, Pierce, Roberts, Rush, Smith, Tuttle, and Wright—18.

NOES—Messrs. Burnell, Cot, Cunningham, Foulke, Hale, Hamilton, Leonard, Maddox, McMurtry, Redington, and Yule—11.

At five o'clock and forty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 9th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

## REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two;

Also, Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road;

And on this, the ninth day of March, A. D. eighteen hundred and sixty-four, at eleven o'clock A. M., the above bills were delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Jones made a verbal report, recommending the passage of Assembly bill No. 305, an Act for the relief of Paschal Bequette.

Mr. McMurtry made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 308, an Act to create the County of Lassen, to define its boundaries and provide for its organization, have considered the same, and report it back without recommendation.

BURNELL,  
McMURTRY.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 236, an Act to amend an Act entitled an Act to provide for the better encouragement of the culture of the vine and olive, have had the same under consideration, and beg leave to report it back to the Senate without recommendation.

MEYERS, Chairman.

Mr. Wright made the following report:

MR. PRESIDENT:—Your Committee of Conference, appointed on Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three, have performed the duty assigned them, and unanimously recommend that the Assembly recede from its amendment.

WRIGHT,  
PORTER,  
HEACOCK,  
Of Senate Committee.  
OWENS,  
Of Assembly Committee

Mr. Meyers made the following report:

MR. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 235, an Act relative to Justices of the Peace in the City of Stockton, have had the same under consideration, report it back, and recommend its passage.

MEYERS, for Delegation.

Assembly bill No. 235, above reported, was taken up under suspension of the rules, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Yule made a verbal report, recommending the passage of Senate bill No. 311, an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight.

Senate bill No. 311, above reported, was taken up under suspension of the rules, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Hawes, Assembly bill No. 206, an Act to authorize R. C. Kirby and others to construct and maintain a turnpike road from the Town of Santa Cruz to a point on or near the line of the San Fran-

cisco and San José Railroad, and to charge and collect tolls for travel thereon—was taken up from its regular order on the file, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 8th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly has this day amended and passed Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act for the reclamation and segregation of Swamp and Overflowed, Salt Marsh, and Tide Lands, donated to the State by Act of Congress, approved April eleventh, eighteen hundred and sixty-two, and ask the concurrence of the Senate in said amendment ;

Also, this day, passed Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company ;

Also, this day, amended and passed Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three, and ask the concurrence of the Senate to said amendments ;

Also, this day, passed Senate bill No. 255, an Act to amend an Act entitled an Act to regulate the fees of certain officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine ;

Also, this day, passed Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two ;

Also, this day, appointed Messrs. Watson, Scott of Alameda, and Walker of Alameda, a Committee of Free Conference on the part of the House on Assembly bill No. 45, an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 8th, 1864. }

MR. PRESIDENT :—I am instructed to inform the Senate that the Assembly has this day passed Senate bill No. 228, an Act to fix the salary of the Superintendent of Public Schools of Mendocino County ;

Also, passed Assembly bill No. 233, an Act amendatory of and supplementary to an Act passed March twenty-third, eighteen hundred and fifty, to regulate elections.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 9th, 1864. }

Mr. PRESIDENT:—I am instructed to inform the Senate that the Assembly, on the eighth instant, passed Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties ;

Also, same day, passed Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 9th, 1864. }

Mr. PRESIDENT:—I am instructed to inform the Senate that the Assembly, on the eighth instant, passed Senate bill No. 131, an Act to re-district the City and County of San Francisco.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 233, above reported, was read first and second times, and referred to the Committee on Elections.

Senate concurred in Assembly amendments to Senate bill No. 150, above reported.

The Senate refused to concur in the Assembly amendments to Senate bill No. 87, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pierce, for an Act to amend an Act entitled an Act in relation to the militia of this State, passed April twenty-fourth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. Heacock, for an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

Read first and second times, and placed on file.

Also, for an Act in relation to proceedings in certain suits.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hawes, for an Act supplementary to an Act entitled an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four.

Read first and second times, and referred to the San Francisco delegation.



By Mr. Maddox, for an Act concerning Common Schools in the City of Placerville.

Read first and second times, and placed on file.

Mr. Crane moved to take from unfinished business Assembly bill No. 216, an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools.

The motion prevailed.

On the motion that the Senate recede from its amendment to line six, section thirteen, the ayes and noes were demanded, by Messrs. Cunningham, Crane, and Montgomery, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Haswell, Heacock, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Rush, Shepard, and Smith—16.

NOES—Messrs. Buckley, Cot, Dodge, Evans, Freeman, Gaskill, Hamilton, Hawes, Henry, Kutz, Montgomery, Pierce, Roberts, Tuttle, Wright, and Yule—16.

So the motion to recede was lost.

Mr. Gaskill now moved to appoint a Committee of Free Conference.

Mr. Crane moved to amend by appointing a Committee of Conference.

Pending a call for the ayes and noes on the amendment, the hour arrived for taking up the special order, (General File.)

A motion to postpone the special order was rejected.

Mr. Smith, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Assembly bill No. 249, an Act to provide for funding the indebtedness of the County of Tehama.

The motion prevailed.

The bill was ordered to top of the file for Wednesday, March sixteenth.

#### REPORT.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 277, an Act to fix the compensation of the District Attorney of Colusa County ;

Also, Senate bill No. 280, an Act to allow additional compensation to the Board of Supervisors of Nevada County ;

Also, Senate bill No. 282, an Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three ;

Also, Senate bill No. 122, an Act for the relief of the line officers of the California volunteers in the service of the United States ;

Also, Senate bill No. 205, an Act to create a Board of Commissioners in the County of Tulare, and to define their powers and duties.

ROBERTS, Chairman.

Mr. Evans, by leave, offered the following resolution :

*Resolved*, That on and after Tuesday, March fifteenth, the Senate will meet at seven o'clock p. m., and hold evening sessions for the transaction

of business, on the evenings of Tuesday, Thursday, and Friday of each week.

Laid on the table.

#### GENERAL FILE.

Senate bill No. 207, an Act to establish Pilots and Pilot regulations for the ports of San Francisco, Mare Island, and Benicia—ordered to top of file for Thursday, March tenth.

Assembly bill No. 150, an Act to create the County of Alpine, to define its boundaries, and to provide for its organization—amended by striking out all after the enacting clause, and inserting a substitute for section fifteen, offered by Mr. Leonard, was adopted.

Mr. Pierce moved to strike out section fifteen.

On which, the ayes and noes were demanded, by Messrs. Jones, Foulke, and Yule, and taken, with the following result:

AYES—Messrs. Benton, Crane, Evans, Gaskill, Hamilton, Heacock, Henry, Jones, Maddox, Montgomery, Moyle, Porter, Roberts, Shepard, Tuttle, and Yule—16.

NOES—Messrs. Burnell, Cunningham, Foulke, Freeman, Hall, Haswell, Kutz, Leonard, McMurtry, Meyers, Redington, and Wright—12.

So the section was stricken out.

Mr. Kutz moved to reconsider the vote by which the proviso to section eighteen was adopted, to wit:

*"Provided, the District Judge may, in his discretion, hold special terms in said county for the trial of criminal causes where public necessity may require."*

The motion to reconsider prevailed.

On the adoption of the proviso, it was rejected.

The amendments as amended were adopted.

Mr. Burnell moved to recommit the bill to the Committee on Counties and County Boundaries.

Mr. Gaskill moved to add, with the following instructions to insert a new section:

*"That the County of Alpine shall pay to the County of Amador the sum of seven thousand five hundred dollars, payable in two and three years from date of the issuance of the warrants."*

To commit with the instructions was lost.

The motion to recommit was lost.

Mr. Burnell moved to insert section fifteen, with the amount of fifteen thousand dollars substituted by twelve thousand dollars.

Mr. Gaskill moved to amend by inserting in place of twelve thousand dollars, the amount seven thousand five hundred dollars.

Mr. Benton offered as a substitute for the above, the following:

In section fifteen, as reported by the committee, strike out "fifteen" wherever it occurs, and insert "ten," and strike out the words "seven and a half," and insert "five."

The substitute was adopted.

Mr. Gaskill offered the following proviso :

*"Provided, that all moneys collected by the officers of Amador County in the territory which forms a portion of Alpine County, during the year eighteen hundred and sixty-four, shall be applied toward reducing said amount of ten thousand dollars."*

The proviso was adopted.

The further reading of the bill was dispensed with, and read third time, and passed.

Senate bill No. 59, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose—ordered to top of file for Saturday, March twelfth.

Mr. Crane called for the regular order of the day, Assembly bill No. 216.

The question being on Mr. Crane's amendment to Mr. Gaskill's motion to appoint a Committee of Free Conference, to wit: to appoint a Committee of Conference on the disagreeing vote between the two Houses, the ayes and noes were demanded, by Messrs. Crane, Foulke, and Haswell, and taken, with the following result :

AYES—Messrs. Kutz, Leonard, Maddox, Porter, Roberts, and Shepard—6.

NOES—Messrs. Burnell, Cot, Crane, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Haswell, Jones, McMurtry, Meyers, Montgomery, Moyle, Pierce, Rush, Tuttle, and Yule—20.

So the amendment was lost.

The vote being on Mr. Gaskill's motion, the ayes and noes were demanded, by Messrs. Pierce, Gaskill, and Moyle, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Evans, Freeman, Gaskill, Hamilton, Hawes, Kutz, Montgomery, Pierce, Roberts, Rush, and Tuttle—13.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Jones, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Shepard, and Yule—16.

So the Senate refused to appoint a Committee of Free Conference.

Mr. Pierce moved that the Senate adjourn.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Pierce, and Hamilton, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Evans, Freeman, Gaskill, Hamilton, Hawes, Kutz, Montgomery, Pierce, Rush, and Tuttle—12.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, Wright, and Yule—17.

So the motion to adjourn was lost.

Mr. Gaskill moved to place the bill at top of the file for Saturday, March twelfth, eighteen hundred and sixty-four.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Freeman, and Hamilton, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Hawes, Jones, Kutz, Montgomery, Pierce, Rush, and Tuttle—12.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, and Yule—16.

So the motion was lost.

Mr. Haswell moved to reconsider the vote by which the Senate this morning refused to recede from its amendment.

Mr. Hawes raised the point of order that the bill was now killed, from the fact that it is not in order to reconsider a vote taken prior to refusing to appoint a Committee of Free Conference.

The Chair decided the point of order not well taken.

The question being on the motion to reconsider—

Mr. Gaskill moved to make it the special order for Friday, March eleventh, at two o'clock, P. M.

On which motion, the ayes and noes were demanded, by Messrs. Foulke, Pierce, and Gaskill, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Kutz, Montgomery, Pierce, Rush, and Tuttle—10.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Jones, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, and Yule—18.

So the motion was lost.

On the motion to reconsider, the ayes and noes were demanded, by Messrs. Kutz, Gaskill, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, and Shepard—15.

NOES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Hawes, Kutz, Leonard, Montgomery, Pierce, Rush, Tuttle, and Yule—13.

So the vote was reconsidered.

Mr. Leonard moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Freeman, and Hamilton, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Hawes, Kutz, Leonard, McMurtry, Montgomery, Pierce, Rush, and Tuttle—13.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Maddox, Meyers, Moyle, Porter, Roberts, Shepard, and Yule—15.

So the motion to adjourn was lost.

Mr. Gaskill moved to make the further consideration of the bill the special order for Friday, March eleventh, at twelve o'clock M.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Freeman, and Pierce, and taken, with the following result :



AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Montgomery, Pierce, Roberts, and Rush—9.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Shepard, and Yule—16.

So the motion was lost.

Mr. Kutz moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Cot, and Hamilton, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Hawes, Kutz, Montgomery, Pierce, Rush, and Tuttle—11.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, and Yule—17.

So the motion to adjourn was lost.

The question then being that the Senate do recede from its amendment to section thirteen, the ayes and noes were demanded, by Messrs. Moyle, Freeman, and Benton, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Foulke, Hall, Haswell, Hawes, Maddox, McMurtry, Meyers, Montgomery, Moyle, Porter, Roberts, and Shepard—17.

NOES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Kutz, Leonard, Pierce, Rush, Tuttle, and Yule—11.

Mr. Montgomery gave notice that on to-morrow he would move to reconsider the above vote.

A motion to adjourn was lost.

Pending the reading of Assembly messages, Mr. Kutz moved a call of the Senate.

The motion prevailed.

Absent without leave—Messrs. Dodge, Gaskill, Hall, Heacock, Henry, Haskin, Jones, Leonard, Redington, Smith, and, Wright.

On motion of Mr. Yule, further proceedings under the call were dispensed with.

Mr. Burnell moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Yule, Hawes, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Freeman, Hall, Haswell, Moyle, Roberts, Shepard, Tuttle, and Yule—14.

NOES—Messrs. Evans, Foulke, Hamilton, Hawes, Kutz, and Rush—6.

So at seven o'clock P. M., the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 10th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Hertel.

Journal of yesterday read and approved.

Mr. Crane moved to reconsider the vote by which the Senate yesterday passed Assembly bill No. 150, an Act to create the County of Alpine, to define its boundaries, and to provide for its organization.

On which, the ayes and noes were demanded, by Messrs. Kutz, Roberts, and Shepard, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot. Crane, Cunningham, Dodge, Evans, Freeman, Gaskill, Hall, Hamilton, Heacock, Henry, Has-kin, Jones, Maddox, McMurry, Meyers, Montgomery, Pierce, Rush, Shafter, Smith, Tuttle, Wright, and Yule—28.

NOES—Messrs. Kutz, Roberts, and Shepard—3.

So the vote was reconsidered.

The vote by which the bill was ordered read third time was reconsidered.

Mr. Burnell moved to amend as follows: Section fifteen, line eight, insert between the words "after" and "their" the word "first."

Adopted.

Mr. Burnell moved to reconsider the vote by which the proviso to section fifteen was adopted.

The motion prevailed.

On motion of Mr. Pierce, the proviso was stricken out, the bill read third time, and passed.

Mr. Heacock, by leave, introduced a bill for an Act to legalize the levy of taxes in the County of Sacramento for the fiscal year commencing on the first Monday in March, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Also, for an Act to provide for the liquidation of the indebtedness of the City of Sacramento which accrued prior to January first, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

## REPORTS.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report :

Mr. PRESIDENT:—Your Committee on Public Lands have had under consideration Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School land warrant to Hans Rohner, and report the same back, with the recommendation that it pass.

WRIGHT, Chairman.

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands made the following report :

Mr. PRESIDENT:—Your Committee on Swamp and Overflowed Lands, to whom was referred Senate concurrent resolutions No. 23, relative to Swamp and Overflowed Lands, have had the same under consideration, and report the same back, as amended February twenty-fifth and passed by Assembly, and recommend the Senate to concur in the resolutions as amended by the Assembly.

HALL, Chairman.

The Senate concurred in Assembly amendments to Senate concurrent resolutions No. 23, above reported.

On motion of Mr. Roberts, the Secretary was directed to insert an enacting clause in Senate bill No. 311.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 308, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and recommend that it do not pass ;

Also, petition of W. P. Monroe, and recommend that it be referred to the Committee on Federal Relations ;

Also, Senate bill No. 323, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, and recommend that it do not pass.

CUNNINGHAM, Chairman.

The petition of W. P. Monroe, above reported, was referred to the Committee on Federal Relations.

Mr. Dodge, of the San Francisco delegation, to whom was referred Senate bill No. 163, an Act concerning the rates of fare on street railroads in the City and County of San Francisco, made a report.

The report was ordered printed.

[For report, see Appendix.]

Mr. Evans moved to refer the above reported bill to the Committee on Corporations.

On which, the ayes and noes were demanded, by Messrs. Redington, Cot, and Dodge, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Evans, Freeman, Haskin, Jones, Kutz, Montgomery, Moyle, Pierce, Shepard, Tuttle, and Wright—13.

NOES—Messrs. Cot, Crane, Cunningham, Dodge, Gaskill, Hall, Hamilton, Haswell, Hawes, Heacock, Maddox, McMurtry, Meyers, Redington, Rush, Shafter, and Yule—17.

So the motion to refer was lost.

Mr. Roberts offered a concurrent resolution relative to printing one thousand nine hundred and twenty copies of the report of Committee on the affairs of the Deaf, Dumb, and Blind Asylum.

Lost.

Mr. Montgomery, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, receded from its amendment to section thirteen, line six, of Assembly bill No. 216, an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools.

Mr. Burnell raised the point of order that the Senate had once refused to recede from its amendment, then reconsidered its vote refusing to recede, therefore, the same question that is now before the Senate had once been reconsidered, and could not be again.

The Chair, (Mr. Benton,) decided the point of order well taken.

Mr. Gaskill appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Evans, Yule, and Gaskill, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Cunningham, Hall, Haswell, Heacock, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, Smith, and Wright—15.

NOES—Messrs. Buckley, Cot, Evans, Freeman, Gaskill, Hamilton, Hawes, Haskin, Kutz, Montgomery, Pierce, Redington, Rush, Tuttle, and Yule—15.

So the decision of the Chair was not sustained.

The question then recurring on the motion to reconsider the vote by which the Senate, on yesterday, receded from its amendment, the ayes and noes were demanded, by Messrs. Evans, Yule, and Kutz, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Freeman, Gaskill, Hamilton, Kutz, Montgomery, Pierce, Redington, Rush, Shafter, Tuttle, and Yule—13.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Hall, Haswell, Heacock, Haskin, Jones, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Shepard, Smith, and Wright—19.

So the motion to reconsider was lost.

#### GENERAL FILE.

Senate concurrent resolutions No. 25, relative to the segregation of agricultural and grazing lands from the mineral lands of this State.

The question being on Mr. Hale's motion to substitute Senate concurrent resolutions No. 15 for the above, Mr. Wright moved to indefinitely postpone the whole subject matter.

Upon which, the ayes and noes were demanded, by Messrs. Yule, Hale, and Meyers, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Evans, Foulke, Freeman, Gas-



kill, Haskin, Kutz, Leonard, Maddox, Moyle, Pierce, Roberts, Rush, Shepard, Smith, and Wright—17.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Hale, Haswell, Hawes, Henry, McMurtry, Meyers, Montgomery, Porter, Redington, Shafter, Tuttle, and Yule—17.

So the motion was lost.

The question being on the substitution of resolutions No. 15, the ayes and noes were demanded, by Messrs. Hale, Hawes, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Gaskill, Hale, Hawes, Henry, McMurtry, Meyers, Redington, Shafter, and Tuttle—14.

NOES—Messrs. Burnell, Cunningham, Evans, Foulke, Freeman, Hall, Haswell, Haskin, Leonard, Maddox, Montgomery, Moyle, Pierce, Roberts, Rush, Shepard, Smith, Wright, and Yule—17.

So the motion to substitute was lost.

On the adoption of the resolutions, the ayes and noes were demanded, by Messrs. Yule, Pierce, and Moyle, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Hale, Haswell, Hawes, McMurtry, Meyers, Porter, Redington, Shafter, Tuttle, and Yule—15.

NOES—Messrs. Burnell, Cunningham, Evans, Foulke, Freeman, Gaskill, Hall, Henry, Haskin, Kutz, Leonard, Maddox, Montgomery, Moyle, Pierce, Roberts, Rush, Shepard, Smith, and Wright—20.

So the resolutions were lost.

#### REPORTS.

Mr. Maddox made the following report :

MR. PRESIDENT :—The special committee, consisting of the El Dorado and Amador delegations, to whom was referred Senate bill No. 318, an Act to grant the right to construct a turnpike road between the Town of Ione City, in Amador County, and Miller's Corral, in El Dorado County, have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

MADDOX, for Committee.

Mr. Crane made the following report :

MR. PRESIDENT :—The Committee of Free Conference upon the disagreeing vote of the Senate and Assembly upon the amendment of the Senate to Assembly bill No. 45, an Act for the better protection of the agricultural interests of this State, and the more effectual prevention of the trespassing of animals on private property, have met with a like committee appointed by the Assembly, and had the subject matter under

consideration, and together report the bill back, and recommend that the Senate recede from the amendment not agreed to by the Assembly.

CRANE,

HALL,

HASWELL,

Senate Committee.

WATSON,

SCOTT of Alameda,

WALKER of Alameda,

House Committee.

The report was adopted.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 26, and have delivered the same to the Secretary of State ;

Also, Senate bill No. 228, an Act to fix the salary of the Superintendent of Public Schools of Mendocino County ;

Also, Senate bill No. 232, an Act to extend the time to construct a toll bridge across Feather River near Oroville, in Butte County ;

Also, Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three ;

And said bills were, this tenth day of March, A. D., eighteen hundred and sixty-four, at one o'clock, P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Gaskill made the following report :

MR. PRESIDENT :—The Butte delegation, to whom was referred Assembly bill No. 167, an Act to authorize the Board of Supervisors of Butte County to loan certain moneys, report the same back, and recommend its passage.

GASKILL,  
SMITH.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 10th, 1864. }

*To the Senate of the State of California :*

I herewith transmit to your honorable body two equitable claims from the Board of Examiners, viz :

B. N. Bugbey vs. the State of California, for eighty-two dollars, and one hundred and twenty-nine dollars.

FRED'K F. LOW,  
Governor.

The above claims were referred to the Committee on Claims.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 9th, 1864. }

Mr. PRESIDENT:—I am instructed to inform your honorable body that the Assembly has this day passed Senate bill No. 205, an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purpose thereof;

Also, Senate bill No. 313, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same;

Also, concurred in Senate amendments to Assembly bill No. 206, an Act to authorize R. C. Kirby and others to construct and maintain a turnpike road from the Town of Santa Cruz to a point on or near the line of the San Francisco and San José Railroad, and to charge and collect tolls thereon;

Also, receded from its amendments to Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act for the reclamation and segregation of Swamp and Overflowed, Salt Marsh, and Tide Lands, donated to the State by Act of Congress, approved April eleventh, eighteen hundred and sixty-two;

Also, adopted report of Committee of Free Conference upon Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1864. }

Mr. PRESIDENT:—The Assembly, on the eighth day of March, eighteen hundred and sixty-four, passed Assembly bill No. 376, an Act to provide for paying the legal and equitable indebtedness of the City of San José;

Also, Assembly bill No. 299, an Act to amend an Act passed May second, eighteen hundred and sixty-two, entitled an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of this State;

Also, Assembly bill No. 190, an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain overflowed lands in the City and County of San Francisco;

Also, Assembly bill No. 214, an Act to authorize the sale and conveyance to the North San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco;

Also, Assembly bill No. 375, an Act to authorize the Board of Supervisors of the County of Siskiyou to transfer certain funds belonging to the County Hospital General Fund to the School Fund.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1864. }

Mr. PRESIDENT:—The Assembly, on the ninth of March, eighteen

hundred and sixty-four, passed Assembly bill No. 205, an Act concerning roads and highways in the County of Sierra;

Also, passed Assembly bill No. 384, an Act to amend an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 385, an Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers;

Also, passed Senate bill No. 282, an Act to amend an Act entitled an act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three.

O. C. WHEELER.

Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 205, above reported, was read first and second times, rules suspended, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 384, above reported, was read first and second times, and placed on file.

Assembly bill No. 299, above reported, was read first and second times, and placed on file.

Assembly bill No. 385, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 190, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 214, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 376, above reported, was read first and second times, and referred to the Santa Clara delegation.

Assembly bill No. 375, above reported, was read first and second times, and placed on file.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Montgomery, for an Act repealing an Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of county taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Redington, for an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Gaskill, for an Act for the relief of the Burning Moscow Gold and Silver Mining Company.

Read first and second times, and ordered on file.



By Mr. Roberts, for an Act to regulate metallurgic works and manufactories of acids.

Read first and second times, and ordered on file.

By Mr. Meyers, for an Act to authorize the sale and conveyance to E. W. O'Neil and others of certain Overflowed Lands in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Evans' resolution, to wit :

*Resolved*, That, on and after Tuesday, March fifteenth, the Senate will meet at seven o'clock P. M., and hold evening sessions for the transaction of business on the evenings of Tuesday, Thursday, and Friday of each week.

Was taken from the table and adopted.

On motion of Mr. Roberts, Senate bill No. 127, an Act amendatory of the Act regulating proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Act amending the same, was taken from its regular order on the file, considered, substitute adopted, rules suspended, considered engrossed, read third time, and passed.

#### GENERAL FILE.

Senate bill No. 207, an Act to establish Pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia—considered as in Committee of the Whole, and pending consideration, the bill was put on top of the file for March eleventh.

Assembly bill No. 249—ordered to top of the file for Thursday, March seventeenth.

At five o'clock and thirty minutes P. M., on motion of Mr. Crane, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, March 11th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Rush, to Mr. Haswell leave for two days, and to Mr. Henry leave for one day.

## REPORTS.

Mr. Haswell, from the Committee on State Hospitals, made a report, which was ordered printed.

[For report, see Appendix.]

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 127, an Act amendatory of the Act regulating proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same ;

Also, Senate bill No. 311, an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-eighth, eighteen hundred and fifty-eight.

ROBERTS, Chairman.

Mr. Smith, Chairman of the Committee on Corporations, made the following report :

Mr. PRESIDENT :—Your Committee on Corporations, to whom was referred Assembly bill No. 287, an Act to amend an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty three, report the same back, without recommendation ;

Also, Senate bill No. 266, an Act to authorize corporations organized in this State for the purpose of mining in or without this State to establish and maintain transfer agencies in other States, report the same back, and recommend its passage ;

Also, Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, report the same back, and recommend its indefinite postponement.

SMITH, Chairman.

Mr. Burnell made the following report :

Mr. PRESIDENT :—Your committee, to whom was referred Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California, have considered the same, report it back without amendment, and recommend its passage.

BURNELL, for Committee.

Mr. Burnell made the following report :

Mr. PRESIDENT :—Your committee, to whom was referred Senate bill No. 222, an Act to provide for continuing the survey of the eastern boundary of the State of California, have had the same under consideration, report it back, and recommend its indefinite postponement.

BURNELL, for Committee.

Mr. Shafter, from the Judiciary Committee, made the following report :

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 304, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, having had the same under consideration, report it back, and recommend its passage.

SHAFTER, for Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 11th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-ninth day of February, eighteen hundred and sixty-four, received from the Governor, without his approval, Assembly bill No. 202, an Act to authorize the Administrator of the estate of Josiah B. Royal, deceased, to sell the property of said estate at public or private sale.

The Assembly, on the tenth of March, passed the bill by a constitutional majority of the votes of the Assembly, notwithstanding the objections of the Governor.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 202, above reported, was taken up, and ordered to top of the file for March eighteenth, eighteen hundred and sixty-four.

#### INTRODUCTION OF BILLS.

By Mr. Pierce, for an Act to repeal a certain Act.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act to authorize the Board of State Harbor Commissioners to employ counsel in San Francisco.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, ordered engrossed, and read third time.

By Mr. Benton, for an Act to pay for medical attendance on William H. Weeks, late Secretary of State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Hale, for an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto.

Read first and second times, and referred to the Finance Committee.

By Mr. Crane, for an Act to amend an Act entitled an Act concerning the office of Attorney-General, passed February first, A. D. eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act authorizing Andrew B. Forbes, or his associates and assigns, to construct a wharf at Green Point, in the County of Alameda.

Read first and second times, and placed on file.

By Mr. Heacock, for an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers.

Read first and second times, and placed on file.

By Mr. Shafter, for an Act to provide for the consolidation of railroad companies, and other matters in relation thereto.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act to authorize mining corporations to increase or diminish the number of their Trustees.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Finance Committee.

On motion of Mr. Foulke, Assembly bill No. 375, an Act to authorize the Board of Supervisors of the County of Siskiyou to transfer certain funds belonging to the County Hospital General Fund to the School Fund, was taken from its regular order on the file, read third time, and passed.

On motion of Mr. Dodge, Senate bill No. 163, an Act concerning the rates of fare on street railroads in the City and County of San Francisco, was taken from the file, and ordered to top of the file for Friday, March eighteenth, eighteen hundred and sixty-four.

#### GENERAL FILE.

Senate bill No. 291, an Act to provide for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Mr. Wright offered to amend section twenty-six, line four, by striking out the word "State;" also, insert after the word "the," in line four, the words "General Fund of."

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Foulke, and Benton, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Freeman, Gaskill, Hale, Hamilton, Jones, Leonard, Maddox, Montgomery, Rush, Smith, Tuttle, Wright, and Yule—15.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Haswell, Hawes, Heacock, Haskin, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, and Shepard—21.

So the amendment was rejected.

Mr. Heacock moved to strike out, in section twenty-five, after and including the word "except," in line eleven.

The amendment was adopted.

Mr. Rush moved to amend by striking out section twenty-seven.



Mr. Pierce offered the following amendment: add to section twenty-seven:

*"Provided, that such order shall in no case be made, if, after examination by a practicing Physician or County Physician, it be found that a change of climate would have an injurious effect upon the health of such pauper."*

Adopted.

Mr. Burnell moved to refer the bill to the Finance Committee.

On which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Foulke, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hall, Hamilton, Jones, Maddox, Montgomery, Rush, Smith, Tuttle, Wright, and Yule—16.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hawes, Heacock, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—17.

So the reference was refused.

On striking out section twenty-seven, the ayes and noes were demanded by Messrs. Jones, Yule, and Hamilton, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Jones, Maddox, Montgomery, Rush, Smith, Tuttle, Wright, and Yule—15.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—18.

So the motion to strike out was lost.

Mr. Heacock moved to amend by striking out sections fifty-four and fifty-five, and adding, at the end of section fifty-three, the following:

*"This Act shall also apply to the City and County of San Francisco."*

Mr. Evans moved a call of the Senate.

On which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Yule, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Maddox, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—17.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Heacock, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—17.

So the call was refused.

On the motion of Mr. Smith, that the Senate do now adjourn, the ayes and noes were demanded, by Messrs. Smith, Evans, and Yule, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—16.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—19.

So the motion was lost.

Mr. Evans moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Yule, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Rush, Shepard, Smith, Tuttle, Wright, and Yule—16.

NOES—Messrs. Benton, Buckley, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—17.

So the motion was lost.

Mr. Smith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Smith, and Yule, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—16.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—19.

So the motion was lost.

Mr. Yule moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Yule, Evans, and Smith, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—17.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—19.

So the motion was lost.

Mr. Evans moved the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Evans, Yule, and Smith, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—17.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—18.

So the motion was lost.

Mr. Hawes moved the previous question.

Sustained.

The question being, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Gaskill, Evans, and Smith, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Haskin, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—20.

NOES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hamilton, Leonard, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—14.

So the main question was demanded.

The question now being on the adoption of Mr. Heacock's amendment, the question was divided, and the roll called on the motion to strike out, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, McMurtry, Meyers, Pierce, Porter, Redington, Roberts, Shafter, and Wright—18.

NOES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Maddox, Montgomery, Moyle, Rush, Shepard, Smith, Tuttle, and Yule—18.

So the amendment was lost.

The question being on ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Evans, Smith, and Burnell, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Foulke, Hall, Hawes, Heacock, Kutz, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, and Shafter—18.

NOES—Messrs. Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Maddox, Montgomery, Rush, Shepard, Smith, Tuttle, Wright, and Yule—18.

So the engrossment of the bill was refused.

At four o'clock and fifteen minutes, on motion of Mr. Gaskill, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Saturday, March 12th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

Mr. Wright spoke to a question of privilege.

#### REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 159, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three;

Also, Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties;

Also, Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Also, Senate bill No. 205, an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof;

And the several bills were, on the eleventh day of March, A. D. eighteen hundred and sixty-four, at one o'clock and thirty minutes P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—Your Committee on Roads and Highways, to whom was referred Assembly bill No. 272, an Act to grant to William Beale the right to construct a toll road from Arms' Store, in Sierra Valley, to the Junction House, on the Henness Pass Road, in the County of Sierra, and to collect tolls thereon, having had the same under consideration, report it back without recommendation.

LEONARD, Chairman.

Mr. Shafter, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 340, an Act to amend an Act entitled an Act concerning the office of Attorney-General, passed February first, eighteen hundred and fifty, having had the same under consideration, report it back, and recommend its passage;

Also, Senate bill No. 326, an Act in relation to proceedings in certain suits, report the same back amended, and recommend its passage as amended;

Also, Assembly bill No. 385, an Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers, report the same back amended, and recommend its passage as amended.

SHAFTER, for Committee.



Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT :—The Committee on Contingent Expenses have examined, and found correct, the following bills :

To sundry newspaper bills attached to report.....	\$717 58
A. C. & W. Bidwell.....	5 00
Edwards & Co.....	32 00
W. T. Knox.....	35 00
M. E. Gelston.....	50 00
	\$839 58

*Resolved*, That the Controller of State be and is hereby required to draw his warrants in favor of the above parties for the several amounts, payable out of the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 148, an Act to authorize the construction of a floating dry dock in the harbor of San Francisco, report the same back, and recommend that it do not pass ;

Also, Senate bill No. 123, an Act authorizing the establishment and maintenance of a ferry between Vallejo and Mare Island, without recommendation, as it appears from a very numerous signed remonstrance by the people of the locality, that their wisdom belongs to the age when wise men went to sea in a bowl, rather than to the age of steam navigation ;

Also, report back without recommendation, Senate bill No. 218, an Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, report that Senate bill No. 253, an Act to establish a Board of Nautical Education for the port of San Francisco, has received a careful consideration, and as the measure proposed is one of very great interest and consequence, demanding no immediate or perhaps ultimate appropriation from the State Treasury, would recommend its passage.

PORTER, Chairman.

Mr. McMurtry made the following report :

Mr. PRESIDENT :—The Santa Clara delegation, to whom was referred Assembly bill No. 376, an Act for providing for paying the legal and equitable indebtedness of the City of San José, beg leave to report the same back, and recommend its passage.

McMURTRY, for Delegation.

Mr. Pierce made the following report :

Mr. PRESIDENT :—The Sonoma delegation, to whom was referred Senate bill No. 299, beg leave to report that they have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

PIERCE, for Delegation.

Mr. Hawes made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 327, an Act supplementary to an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four, have had the same under consideration, and beg leave to report the same back, and recommend its passage without amendment.

HAWES, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 12th, 1864. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 142, an Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 200, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco ;

Also, Senate bill No. 164, an Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road ;

Also, Senate bill No. 146, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, passed April eleventh, eighteen hundred and sixty-two ;

Also, Senate bill No. 228, an Act to fix the salary of the Superintendent of Public Schools of Mendocino County ;

Also, Senate bill No. 232, an Act to extend the time to construct a toll bridge across Feather River, near Oroville, in Butte County.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 11th, 1864. }

Mr. PRESIDENT :—The Assembly, on the eleventh instant, passed Assembly bill No. 271, an Act to provide for the collection and publication of agricultural and other statistics of this State ;

Also, on the tenth instant, passed Senate bill No. 246, an Act to create a Contingent Fund for the County of Tulare;

Also, passed Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County.

O. C. WHEELER,

Chief Clerk.

Assembly bill No. 271, above reported, was read first and second times, and referred the Committee on Agriculture.

The following resolution to amend Rule Nineteen, offered by Mr. Hawes, was taken from the table:

*Resolved*, That the Nineteenth Standing Rule of the Senate be amended by adding, in continuation, the following clause: "No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken, nor then, unless notice of intention to move a reconsideration shall have been given on the same day when such vote was taken."

Mr. Hawes moved to amend the resolution by adding to the proposed amendment, the following, in continuation:

"But when any vote shall be reconsidered, the Senate may at the same time proceed to reconsider any previous vote or order in relation to the same bill or resolution, without further notice."

The amendment was carried.

The resolution as amended was adopted.

Mr. Dodge was granted indefinite leave of absence.

Senate bill No. 59 was, on motion of Mr. Crane, placed at top of file for Wednesday, March sixteenth.

#### GENERAL FILE.

Senate bill No. 207, an Act to establish Pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia.

Mr. Hawes raised as a point of order, that Senate bill No. 291 was first in order on the file, as the question on the motion to indefinitely postpone had not been disposed of when the Senate adjourned on yesterday, the question having been erroneously put on the engrossment of the bill.

The Chair (Mr. Burnell) decided the point of order not well taken.

Mr. Benton appealed.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Hawes, Heacock, and Benton, and taken, with the following result:

AYES—Messrs. Cunningham, Freeman, Gaskill, Hale, Hamilton, Hartson, Leonard, Maddox, Montgomery, Shepard, Smith, Tuttle, and Yule—13.

NOES—Messrs. Benton, Buckley, Crane, Dodge, Hall, Hawes, Heacock, Henry, Kutz, McMurtry, Meyers, Moyle, Redington, and Shafter—14.

So the appeal was sustained.

The question now being on the motion to indefinitely postpone Senate bill No. 291, an Act to provide for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts, the roll was called, with the following result :

AYES—Messrs. Burnell, Cunningham, Freeman, Gaskill, Hale, Hamilton, Henry, Leonard, Maddox, Montgomery, Smith, Tuttle, Wright, and Yule—14.

NOES—Messrs. Benton, Buckley, Crane, Dodge, Hall, Hawes, Heacock, McMurtry, Meyers, Moyle, Redington, and Shafter—12.

So the bill was indefinitely postponed.

Senate bill No. 207—was further considered as in Committee of the Whole, reported back with amendments, which were taken up for concurrence *seriatim*.

The amendments to section one were concurred in.

Mr. Pierce offered the following as a substitute to section two.

Section 2. The Examiners commissioned shall hold their offices at the pleasure of the power recommending them, and, before entering upon their official duties, shall take and subscribe the constitutional oath of office, and, also, an oath that they are not a member of or attached to any oath-bound or secret political society, and never met with, belonged to, aided, assisted, or encouraged, any Vigilance Committee, or otherwise resisted, or encouraged resistance, to the execution of the law.

The substitute was rejected.

The amendments to section two were concurred in.

Further amendments to different sections concurred in.

Mr. Hawes moved to further amend section one by striking out all after the word "Benecia," where it last occurs, and insert the following :

"The said Examiners shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed in the first section of the Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, to which oath shall be added a clause as follows : 'And I do further solemnly swear and faithfully promise, that I will not knowingly or willingly vote for, consent to appoint, or license, any person as a Pilot who is not truly loyal to the United States, and firmly opposed, not only to any pretended right of secession, but also, to any compromise with rebels, except on terms of absolute submission.' "

Upon which, the ayes and noes were demanded, by Messrs. Smith, Hawes, and Crane, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Foulke, Hale, Hall, Hawes, Jones, Maddox, Meyers, Shafter, Smith, and Yule—15.

NOES—Messrs. Freeman, Gaskill, Heacock, Kutz, McMurtry, Montgomery, Porter, Redington, Roberts, and Wright—10.

So the amendment was adopted.

Mr. Crane moved to amend section twenty-five by adding the following :



"Or offers his services; *provided*, that if such services shall be offered and no Pilot be employed, the vessel shall only be liable for half pilotage."

Mr. Hawes offered, as a substitute, the following:

Strike out all after "section twenty-three," and insert the following:

"Section Twenty-Four. The rates of pilotage shall be as now fixed by law, and all provisions of law regulating the subject of Pilots and Pilot Commissioners, so far as they are not in conflict with this Act, are declared to continue in full force, and the legal provisions aforesaid relating to Pilot Commissioners are hereby declared and made applicable to Pilot Examiners and Boards of Pilot Examiners appointed under this Act."

The substitute was rejected.

On the adoption of Mr. Crane's amendment, the ayes and noes were demanded, by Messrs. Crane, Smith, and Benton, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Crane, Hale, Hawes, Kutz, Maddox, and Smith—9.

NOES—Messrs. Foulke, Freeman, Gaskill, Hall, Hamilton, Heacock, Jones, McMurtry, Montgomery, Redington, Roberts, Shafter, Wright, and Yule—14.

So the amendment was rejected.

Mr. Redington moved to suspend the rules, consider the bill engrossed, and place it upon its third reading.

On which, the ayes and noes were demanded, by Messrs. Crane, Smith, and Hawes, and taken, with the following result;

AYES—Messrs. Foulke, Freeman, Gaskill, Hall, Hamilton, Heacock, Jones, McMurtry, Montgomery, Redington, Roberts, Shafter, Wright, and Yule—14.

NOES—Messrs. Benton, Burnell, Cot, Crane, Hale, Hawes, Maddox, Meyers, and Smith—9.

So the motion was lost.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Pierce, Smith, and Wright, and taken, with the following result:

AYES—Messrs. Foulke, Freeman, Gaskill, Hall, Hamilton, Heacock, Jones, Maddox, McMurtry, Montgomery, Redington, Roberts, Shafter, Wright, and Yule—15.

NOES—Messrs. Benton, Burnell, Cot, Crane, Hale, Hawes, Meyers, Pierce, and Smith—9.

So the bill was ordered engrossed.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 331, an Act repealing an

Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of County taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven;

Also, Senate bill No. 337, an Act to authorize the Board of State Harbor Commissioners to employ Counsel in San Francisco.

ROBERTS, Chairman.

On the motion of Mr. Burnell to adjourn, the ayes and noes were demanded, by Messrs. Roberts, Yule, and Foulke, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Gaskill, Hall, Hamilton, Heacock, Maddox, Meyers, Montgomery, Smith, and Yule—11.

NOES—Messrs. Crane, Cunningham, Foulke, Freeman, Hale, Hawes, McMurtry, Pierce, Redington, Roberts, Shafter, and Wright—12.

So the motion was lost.

Mr. Redington moved to make Senate bill No. 207, just ordered engrossed, the special order for Monday, March fourteenth, at two o'clock, P. M.

On which motion, the ayes and noes were demanded, by Messrs. Pierce, Hawes, and Gaskill.

No quorum voting on the call of the roll, a motion was made for a call of the Senate.

The motion was lost.

Mr. Burnell moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Heacock, Redington, and Crane, and taken, with the following result:

AYES—Messrs. Foulke, Freeman, Gaskill, Hamilton, Heacock, Montgomery, Redington, Shafter, and Wright—9.

NOES—Messrs. Burnell, Cot, Crane, Hale, Hawes, Kutz, McMurtry, Pierce, Roberts, and Smith—10.

So the motion was lost.

Mr. Smith moved a call of the Senate.

The motion prevailed.

Messrs. Benton, Buckley, Evans, Hall, Hartson, Haswell, Henry, Has-kin, Jones, Leonard, Maddox, Moyle, Porter, Tuttle, and Yule, were absent without leave.

Messrs. Maddox and Hall appeared at the bar of the Senate, were admitted and excused.

On motion of Mr. Smith, further proceedings under the call were suspended.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Redington, Foulke, and Gaskill, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Crane, Hale, Hawes, Kutz, Maddox, McMurtry, Meyers, Pierce, and Smith—11.

NOES—Messrs. Cunningham, Foulke, Freeman, Gaskill, Hall, Hamilton, Heacock, Montgomery, Redington, Shafter, and Wright—11.

So the motion was lost.

Mr. Redington renewed his motion to make Senate bill No. 207, special order for Monday, March fourteenth, at two o'clock P. M.

Mr. Smith moved to amend, by placing the bill at top of the file for Monday, March twenty-first.

On which, the ayes and noes were demanded, by Messrs. Smith, Foulke, and Roberts, and roll called.

No quorum voting, Mr. Burnell moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Smith, Montgomery, and Redington, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Hale, Hawes, Kutz, Maddox, McMurtry, Meyers, Pierce, Roberts, and Smith—14.

NOES—Messrs. Foulke, Freeman, Gaskill, Hall, Hamilton, Heacock, Montgomery, Redington, Shafter, and Wright—10.

So at four o'clock and forty minutes P. M., the Senate adjourned.

R. BURNELL.

President pro tem of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, March 14th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of Saturday last read and approved.

Leave of absence for one day was granted to Messrs. Buckley and Moyle, and indefinite leave to Mr. Jones.

Mr. Evans presented a petition of citizens of Tuolumne County, for an increase of mileage of officers in criminal cases.

Laid on the table.

## REPORTS.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT :—The Committee on Elections, to whom was referred Senate bill No. 321, an Act concerning Judges, Inspectors, and Clerks of Elections, in San Diego County, report the same back, and recommend its passage.

GASKILL, Chairman.

Mr. Meyers presented a communication relating to State Insane Asylum. Ordered printed.

Mr. Cunningham made a report from the Finance Committee, to whom was referred Senate bill No. 302, and Senate bill No. 307.

[For report, see Appendix.]

The bills, with the reported substitute, were ordered to top of the file for Thursday, March seventeenth, eighteen hundred and sixty-four.

Mr. Freeman made the following report :

Mr. PRESIDENT:—The Tulare and Mono delegations, to whom was referred a petition from citizens of Tulare and Mono Counties, praying for the creation of a new county, have maturely considered the same, and, in conformity with the prayer of petitioners, report a bill, and respectfully recommend its passage.

FREEMAN, for Delegations.

Mr. Crane made the following report :

Mr. PRESIDENT:—The Alameda delegation, to whom was referred Assembly bill No. 290, an Act to provide for the election of Township Assessors in the County of Alameda, have had the same under consideration, and report the same back, recommending its passage.

CRANE, for Delegation.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

Mr. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly bill No. 59, entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, have had the same under consideration, report the same back, and recommend its indefinite postponement ;

Also, Senate bill No. 147, entitled an Act to divide the State into Congressional Districts, and fix the time for electing Representatives to Congress, report the same back, with amendments, and recommend its passage as amended ;

Also, Assembly resolution No. 32, relative to a mail route from Los Angeles to Santa Fe, in New Mexico, report the same back and recommend its adoption. All of which is respectfully submitted.

HALE, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

Mr. PRESIDENT:—The Committee on Federal Relations, to whom was referred the accompanying correspondence between Messrs. Thompson Campbell and E. W. Roberts, and Hon. S. P. Chase, United States Treasurer, report the same back without recommendation.

HALE, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report :

Mr. PRESIDENT:—The Committee on Federal Relations, to whom was referred the petition of certain persons for a change of the eastern line of the State of California, have had the same under consideration, and herewith report the same back, and recommend that said petition be not granted.

HALE, Chairman.



Senate bill No. 147, above reported, ordered to top of the file for Friday, March eighteenth.

Assembly bill No. 59, above reported, ordered to top of the file for Friday, March eighteenth, eighteen hundred and sixty-four.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 12th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 110, an Act to authorize the Board of Supervisors of Sierra County to provide for the construction of certain wagon roads in Sierra County ;

Also, same day, passed Senate bill No. 144, an Act concerning suits wherein the State is a party ;

Also, same day, amended and passed Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento ;

Also, same day, passed Senate bill No. 187, an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, same day, passed Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento ;

Also, same day, passed Senate bill No. 199, an Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, same day, passed Senate bill No. 210, an Act concerning the recording of certificates of incorporation and the arrangement of the archives of State in the Secretary of State's office ;

Also, same day, passed Senate bill No. 329, an Act to legalize the levy of taxes in the County of Sacramento for the fiscal year commencing on the first Monday in March, eighteen hundred and sixty-four.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 12th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 387, an Act to repeal an Act entitled an Act to authorize and empower the Board of Supervisors of Alameda County to improve the navigation of San Antonio Creek, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, same day, passed Senate bill No. 226, an Act to provide for collecting wharfage in Napa City.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 14th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twelfth day of March, eighteen hundred and sixty-four, passed Senate bill No. 178, an Act for the relief of the State Agricultural Society ;

Also, this day, amended and passed Senate bill No. 186, an Act amendatory of and supplemental to an Act entitled an Act providing for the

government of Sacramento County, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, on the twelfth instant, passed Assembly bill No. 339, an Act granting further powers to the Board of Supervisors of the County of Sacramento;

Also, same day, passed Assembly bill No. 344, an Act to change the name of Frances Anne Blackwell to Frances Anne Hopper.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 389, above reported, read first and second times, and placed on file.

Assembly bill No. 344, above reported, read first and second times, and placed on file.

Assembly bill No. 387, above reported, read first and second times, and placed on file.

The Assembly amendment to Senate bill No. 110, above reported, concurred in.

The Assembly amendment to Senate bill No. 176, above reported, concurred in.

The Assembly amendment to Senate bill No. 186, above reported, concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Yule, for an Act to provide for the holding of a special term of the District Court of the Fourteenth Judicial District in and for the County of Placer.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed, the Forty-Fifth Rule suspended, and ordered transmitted to the Assembly.

By Mr. Freeman, for an Act to create the County of Coso, to define its boundaries, and to provide for its organization.

Read first and second times, and placed on file.

Also, for an Act granting to certain parties the right to construct a wagon road in the County of Tulare.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to provide for the settlement of certain land claims within the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Foulke, for an Act to amend an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two.

Read first and second times, and placed on file.

By Mr. Hamilton, for an Act to amend an Act concerning Notaries Public, passed April twenty-ninth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gaskill, for an Act to provide for funding the indebtedness of the County of Butte.

Read first and second times, and referred to the Butte delegation.

By Mr. Tuttle, for an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named.

Read first and second times, and referred to the San Diego delegation.

By Mr. Hawes, for an Act to regulate the times for holding the terms and sessions of the County Court, Probate Court, and the Board of Supervisors of the County of San Mateo.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Also, for an Act supplementary to an Act entitled an Act for the better protection of the State Treasury, passed April sixteenth, eighteen hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roberts, for an Act to provide for the erection and protection of guide boards on the county roads of this State.

Read first and second times, and referred to the Committee on Roads and Highways.

#### MOTIONS AND RESOLUTIONS.

Mr. Foulke offered the following resolution :

*Resolved*, That the Secretary of the Senate be authorized and required to separate all bills of a general nature from those of a special or local character, and arrange two files, one to be composed exclusively of bills of a general and the other of bills of a special or local character; and the file of general bills, when so arranged, shall be the General File for the day sessions, and the file of special or local bills shall be the file for the evening sessions, and shall be considered at no other time, unless the Senate, by a two thirds vote, shall otherwise direct. The above resolution shall take effect from and after Tuesday, March fifteenth, eighteen hundred and sixty-four.

Laid on the table.

On motion of Mr. Leonard, Senate bill No. 317, an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, A. D. eighteen hundred and sixty-three, was taken from its regular order on the file, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Senate bill No. 61, an Act to fix the times of holding the District Court of the Third Judicial District, was taken up, substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 224, an Act to grant to Moses F. Hoit and his associates the right to construct a toll road and bridge in Nevada County, was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 313, an Act to create a Special Fund for the erection of a Jail in the County of San Bernardino, was taken up, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### GENERAL FILE.

Senate bill No. 258, an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Crane, Roberts, and Russell, and taken, with the following result :

**AYES**—Messrs. Burnell, Heacock, Kutz, Leonard, Roberts, Shepard, Wright, and Yule—8.

**NOES**—Messrs. Benton, Cot, Crane, Cunningham, Foulke, Freeman, Gaskill, Hale, Hamilton, Hartson, Hawes, Henry, Maddox, McMurtry, Meyers, Pierce, Porter, Redington, Shafter, Smith and Tuttle—21.

So the motion was lost.

The bill was ordered engrossed and read third time.

Senate bill No. 251, an Act to prevent the sale of intoxicating liquors on certain days of elections to be held in this State—ordered to top of file for Tuesday, March fifteenth, eighteen hundred and sixty-four.

Senate bill No. 265, an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Acts amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 252, an Act relating to chattel mortgages—was taken up and indefinitely postponed.

Assembly bill No. 211, an Act to legalize the assessments made in the County of San Diego—laid on the table.

Senate bill No. 271, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-two, and A. D. eighteen hundred and sixty-three, in the several counties of this State—substitute adopted, considered as in Committee of the Whole, and reported back without amendment.

Mr. Hawes moved to amend section one, line eighteen, to insert after the word "proved" the word "therefrom."

On which, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Shafter, and taken, with the following result :

**AYES**—Messrs. Cot, Hawes, Heacock, McMurtry, Pierce, Porter, Redington, Shafter, Shepard, and Tuttle—10.

**NOES**—Messrs. Benton, Burnell, Cunningham, Evans, Freeman, Gaskill, Hale, Hall, Hartson, Kutz, Meyers, Roberts, Smith, and Wright—14.

So the amendment was rejected.



Mr. Hawes moved to amend section one, line eighteen, by inserting, after the word "proved," the words "by any proper and competent evidence."

On which, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Shafter, and taken, with the following result:

AYES—Messrs. Cot, Cunningham, Hale, Hawes, Heacock, Henry, Kutz, McMurtry, Pierce, Porter, Redington, Shafter, Shepard, and Tuttle—14.

NOES—Messrs. Benton, Burnell, Evans, Freeman, Gaskill, Hall, Hartson, Meyers, Roberts, Smith, and Wright—11.

So the amendment was adopted.

On the motion to suspend the rules, consider the bill engrossed and placed upon its passage now, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Shafter, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Heacock, Meyers, Roberts, Smith, Tuttle, and Wright—17.

NOES—Messrs. Cot, Hale, Hawes, Henry, Kutz, McMurtry, Pierce, Porter, Redington, Shafter, and Shepard—11.

So the motion was lost.

The bill was ordered engrossed and read third time.

Senate bill No. 201, an Act relating to costs in civil cases in Courts of justice.

Mr. Smith moved to indefinitely postpone the bill.

Mr. Pierce moved to recommit it to the Judiciary Committee, with special instructions to strike out the words "or fee," and the word "or," after the word "Attorney," in line six, section one.

Mr. Roberts moved to add to the instructions, to strike out, in line four, section one, the words "Agent or Attorney," and insert in place thereof the words "assignee or successor in interest;" also, strike out the words "such Agent or Attorney," in line six.

On which, the ayes and noes were demanded, by Messrs. Smith, Evans, and Burnell, and taken, with the following result:

AYES—Messrs. Freeman, McMurtry, Pierce, Porter, Roberts, Shafter, Shepard, and Tuttle—8.

NOES—Messrs. Burnell, Cot, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Leonard, Meyers, Redington, Smith, and Wright—15.

So the motion was lost.

Mr. Kutz moved to recommit to Mr. Shafter, with instructions to strike out the words "or fee," and the word "or," after the word "Attorney," in line six, section one.

Mr. Wright moved to amend the instructions by including, to strike out the words "Agent or Attorney," in line four.

On which, the ayes and noes were demanded, by Messrs. Wright, Shafter, and Hartson, and taken, with the following result:

AYES—Messrs. Hartson, McMurtry, and Wright—3.

NOES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Kutz, Leonard, Maddox, Meyers, Pierce, Redington, Shafter, Smith, and Tuttle—20.

So the amendment was rejected.

Mr. Smith now moved to add to the instructions by including, to strike out of lines one and two of section one, the words "now pending."

Mr. Hawes moved to substitute the following for the instructions:

"The Agent or Attorney of the plaintiff, acting as such in the institution and prosecution of the suit, and any assignee of the plaintiff before judgment; *provided*, that any Attorney at Law of the plaintiff, whose services have been rendered gratuitously, shall be exempt from costs."

The substitute was rejected.

Mr. Smith's amendment was lost.

The original instructions were voted down.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Evans, Wright, and Crane, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Evans, Freeman, Gaskill, Hale, Hall, Hamilton, Hartson, Leonard, Montgomery, Roberts, Smith, and Wright—15.

NOES—Messrs. Crane, Cunningham, Hawes, Kutz, Maddox, McMurtry, Meyers, Porter, Redington, Shafter, Shepard, and Tuttle—12.

So the bill was indefinitely postponed.

Senate Bill No. 220, an Act to authorize George G. Lee and his associates to construct a wagon road from the Town of San Bernardino to Little Bear Valley, in San Bernardino County—referred to the San Diego delegation.

Senate bill No. 172, an Act to authorize Thomas Cutter, D. M. Kenfield, John Sedgwick, and their associates and assigns, to construct and maintain a toll road in the County of Tuolumne—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Roberts moved to further amend by striking out the word "following," in line thirteen, section two; also, to insert in line fourteen, section two, after the word "charges," the words "to be levied and declared annually by the Board of Supervisors of Tuolumne County, not exceeding the following."

The amendment was rejected.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Hale, Evans, and McMurtry, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Evans, Freeman, Gaskill, Hamilton, Heacock, Henry, Leonard, Maddox, Meyers, Pierce, Porter, Shepard, Smith, and Wright—16.

NOES—Messrs. Cunningham, Hale, Montgomery, Shafter, and Yule—5

So the bill was ordered engrossed and read third time.

Senate bill No. 283, an Act to regulate fees in the County of Fresno—considered, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 284, an Act to fix the compensation of the District Attorney for the County of Fresno—considered, rules suspended, considered engrossed, read third time, and passed.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 207, an Act to establish Pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia.

ROBERTS, Chairman.

Mr. Gaskill moved to make Senate bill No. 207, above reported, the special order for to-morrow, at two o'clock P. M.

The President (Mr. Cunningham) decided the motion out of order.

Mr. Gaskill appealed from the decision.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Crane, Evans, and Kutz, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Evans, Foulke, Hall, Hamilton, Hartson, Hawes, Heacock, Kutz, Leonard, McMurtry, Pierce, Porter, Roberts, Shafter, Smith, Wright, and Yule—20.

NOES—Messrs. Gaskill and Henry—2.

So the Chair was sustained.

On resuming the consideration of the General File, Mr. Kutz called for the order of business.

The President decided that the Senate was now acting on the regular order of business, from the fact that the order of business had been followed, until the General File was taken up, which was so taken in its order, therefore the order of business was the General File.

Mr. Kutz appealed from the decision of the Chair, but to avoid discussion, he withdrew the appeal, which was renewed by Mr. Gaskill.

The vote was taken, and the decision of the Chair sustained.

#### GENERAL FILE RESUMED.

Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three—considered, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 286, an Act granting parties therein named the right to construct a wagon road, and collect tolls thereon—considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma—considered as in Committee of the Whole, and reported back without amendment.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Pierce, Heacock, and Hale, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Crane, Cunningham, Evans, Foulke, Freeman, Hale, Hall, Hamilton, Heacock, Henry, Montgomery, Pierce, Porter, Redington, Roberts, and Shepard—18.

NOES—Messrs. Benton, Gaskill, Hartson, Kutz, Maddox, McMurtry, Shafter, Smith, and Yule—9.

So the bill was ordered engrossed, and read third time.

Senate bill No. 288, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one—considered as in Committee of the Whole, and reported back without amendment.

On a suspension of the rules, the ayes and noes were demanded, by Messrs. Heacock, Evans, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Cunningham, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Hartson, Hawes, Henry, Kutz, Maddox, Montgomery, Pierce, Redington, Roberts, Shafter, Shepard, Wright, and Yule—22.

NOES—Messrs. Benton, Crane, Hall, Heacock, and McMurtry—5.

So the rules were suspended, the bill considered engrossed, read third time, and passed.

Mr. Evans gave notice of a motion to reconsider the above vote.

Senate bill No. 290, an Act to fix the compensation of the Board of Supervisors of Sonoma County—considered as in Committee of the Whole, reported back with amendment, amendment concurred in, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 324, an Act to transfer certain moneys from the General Fund of Tehama County to the Tehama County Wagon Road Interest and Redemption Fund—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 385, an Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers—ordered to top of file for to-morrow.

Senate bill No. 91, an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—returned to file.

Assembly bill No. 296, an Act to amend an Act to incorporate the Town of Downieville, approved March eighteenth, eighteen hundred and sixty-three—returned to file.

Assembly bill No. 93, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-one—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

At five o'clock and ten minutes P. M., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 15th, 1864. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Prayer by Reverend Mr. Peck.  
Journal of yesterday read and approved.

## PETITIONS.

Mr. Shafter presented a petition of citizens of San Francisco, asking the enactment of a certain law.

On motion of Mr. Shafter, Senate bill No. 6, an Act to amend an Act concerning conveyances, was taken from the table, and, together with the above petition, ordered to top of file for Wednesday, March sixteenth, eighteen hundred and sixty-four.

Mr. Gaskill presented a petition of citizens of Tehama County, asking the passage of Assembly bill No. 249, an Act to fund the indebtedness of Tehama County.

Laid on the table.

## REPORTS.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 224, an Act to grant to Moses F. Hoit, and his associates, the right to construct a toll road and bridge in Nevada County;

Also, Senate bill No. 265, an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 61, (substitute,) an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 258, an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 271, an Act to legalize the assessment for taxes for the revenue years commencing on the first Monday of March in the years eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the several counties in this State.

ROBERTS, Chairman.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report:

Mr. PRESIDENT :—Your Committee on Elections, to whom was referred Senate bill No. 114, an Act amendatory of an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, report the same back, and recommend that it do not pass ;

Also, Senate bill No. 66, an Act supplemental to an Act entitled an Act in addition to an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof, and recommend that it do not pass ;

Also, Assembly bill No. 233, an Act amendatory of and supplemental to an Act, passed March twenty-third, eighteen hundred and fifty, to regulate elections, report the same back with an amendment, and recommend its passage as amended ;

Also, Assembly bill No. 60, an Act to amend an Act entitled an Act to amend an Act to regulate elections, passed April twenty-seventh, eighteen hundred and fifty-five, and report the same back with an amendment, and recommend its passage as amended ;

Also, return the petitions that accompanied the bill for the creation of the County of Alpine ;

Also, the petition of Charles H. Randall.

GASKILL, Chairman.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT :—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 190, an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain Overflowed Lands in the City and County of San Francisco, being unable to agree upon any recommendation, report the same back to the Senate without recommendation ;

Also, Assembly bill No. 214, an Act to authorize the sale and conveyance to the North San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, being unable to agree upon any recommendation, report the same back to the Senate without recommendation ;

Also, Senate bill No. 322, an Act supplemental to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three, report the same back with a substitute for all after the enacting clause, and recommend the adoption and passage of the substitute.

PORTER, Chairman.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 15th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 205, an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 15th, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lots in Sacramento.

Section one of the bill authorizes William M. Harron to sell all the right, title, and interest of his infant children, John Osgood Harron, and Amelia Lyon Harron, in certain property, at either public or private sale. Section two provides that no sale shall be valid until approved by the Probate Court and the filing of a bond such as the Court may require, conditioned for "the due and proper application of the proceeds arising from such sale."

The general law passed April nineteenth, eighteen hundred and fifty, with the amendment thereto, approved May twentieth, eighteen hundred and sixty-one, seems to have amply provided for the sale of property of Guardians.

Section five of the general law provides that the father shall be the Guardian of the minor. Section twenty-one provides for the sale of the real or personal estate of the minor, if the Probate Court shall so order.

Section thirty provides that if it shall appear to be for the benefit of minor heirs, the Probate Court may order the property sold, either at public or private sale.

The only substantial difference between the general law and the bill under consideration is, that the general law prescribes that the Court shall examine into the matter, and, if it shall be deemed proper, may order the sale; while this bill provides that the title shall not pass until approved by the Court.

In my judgment, the disposition of the property of deceased persons and of minor heirs is a judicial question, which was intended by the Constitution to be placed under the sole and exclusive control of the Probate Courts. But whether this view of the case be correct or not, I am so firmly of the opinion that there is ample provision made by the general law for this and similar cases, that I cannot give my sanction to special bills of this character.

FRED'K F. LOW,  
 Governor.

The message, together with the bill, were ordered to top of the file for Friday, March eighteenth.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 15th, 1864. }

*To the Senate of the State of California :*

I hereby nominate and appoint Gardner H. Cushing, Gauger of Wines and Liquors, to reside in the City and County of San Francisco, vice Daniel B. Arrowsmith, whose term of office expires on the twenty-ninth day of May, eighteen hundred and sixty-four. This appointment to take effect on the expiration of the term of office of the present incumbent, and respectfully request your confirmation of the same.

Also, I hereby nominate and appoint B. B. Thayer, State Assayer of Ores and Metals, and respectfully ask your honorable body to confirm the same.

FRED'K F. LOW,  
 Governor.

The above messages were made the special order for Tuesday, March twenty-second, at two o'clock P. M.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 14th, 1864. }

Mr. PRESIDENT:—The Assembly has, this day, passed Senate bill No. 103, an Act relating to appeals ;

Also, Senate bill No. 330, an Act to provide for the liquidation of the indebtedness of the City of Sacramento which accrued prior to January first, eighteen hundred and fifty-nine.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 14th, 1864. }

Mr. PRESIDENT:—The Assembly has, this day, passed Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco ;

Also, passed Senate bill No. 245, an Act to authorize the City and County of San Francisco to sell and convey certain real estate to the State of California.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 14th, 1864. }

Mr. PRESIDENT:—The Assembly has, this day, indefinitely postponed Senate bill No. 119, an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one ;

Also, this day, passed Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County ;

Also, this day, indefinitely postponed Senate bill No. —, an Act to legalize a certain contract between D. R. Ashley, late State Treasurer, and Wells, Fargo & Co. ;

Also, on the fifteenth instant, adopted Assembly concurrent resolution No. 36, relative to the destruction of a battery of field pieces, the property of the United States, by fire, on the night of the fourteenth instant.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 36, above reported, was taken up.

Mr. Smith offered a substitute, which was adopted, and the resolution as amended ordered transmitted to the Assembly immediately.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Foulke, for an Act to amend section three hundred and forty-



three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roberts, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Cot, for an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county.

Read first and second times, and referred to the Finance Committee.

By Mr. Yule, for an Act to authorize the Board of Supervisors of Placer County to appropriate money from the General Fund of said county.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Shafter, for an Act to aid in the construction of the California portion of the Pacific Railroad from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same.

Read first and second times, the usual number of copies ordered printed, and referred to a select committee of five, to be appointed by the President.

Mr. Foulke's resolution for preparing two files was taken from the table and adopted.

On motion of Mr. Pierce, Senate bill No. 216, an Act in relation to the Recorder of the City of Petaluma, was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

#### GENERAL FILE.

Senate bill No. 133, an Act to provide for the sale of the interest of the State of California in the territory within the water front line of the City and County of San Francisco—the question being, to concur in amendments made as in Committee of the Whole.

On concurring in the amendment to section five, to wit: to strike out the words "General Fund," and insert in place thereof, the words "Wharf and Dock Fund," the ayes and noes were demanded, by Messrs. Hawes, Redington, and Yule, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Freeman, Hale, Hamilton, Hawes, Haskin, McMurtry, Porter, Redington, Shafter, and Yule—15.

NOES—Messrs. Benton, Gaskill, Maddox, Meyers, Roberts, Smith, and Wright—7.

So the amendment was concurred in.

Further amendments were concurred in.

Mr. Wright moved to amend section one, line three, (printed bill,) by striking out "not heretofore," and inserting "which have not been or which shall not hereafter be otherwise."

On the adoption of which, the ayes and noes were demanded, by Messrs. Benton, Wright, and Evans, and taken, with the following result :

AYES—Messrs. Gaskill, Haskin, Kutz, Redington, Wright, and Yule—6.

NOES—Messrs. Benton, Buckley, Cot, Cunningham, Foulke, Hall, Haswell, Hawes, Jones, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, and Shafter—16.

So the amendment was rejected.

Mr. Smith now moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Smith, Benton, and Wright, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Cunningham, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hartson, Haswell, Hawes, Haskin, Maddox, Meyers, Moyle, Pierce, Redington, Roberts, Shepard, Smith, and Yule—22.

NOES—Messrs. Benton, Buckley, Heacock, McMurtry, Porter, Shafter, and Wright—7.

So the bill was indefinitely postponed.

Mr. Hawes gave notice that on to-morrow he would move to reconsider the above vote.

Mr. Heacock, by leave, introduced a concurrent resolution, recalling from the Governor Senate bill No. 150, for correction.

Resolution adopted.

Senate bill No. 251, an Act to prevent the sale of intoxicating liquors on certain days of elections to be held in this State—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Pierce, Foulke, and Haswell, and taken, with the following result.

AYES—Messrs. Benton, Buckley, Cot, Hale, Hartson, Haswell, Heacock, McMurtry, Meyers, Porter, Roberts, Shafter, Shepard, and Wright—14.

NOES—Messrs. Burnell, Cunningham, Foulke, Henry, Kutz, Montgomery, and Pierce—7.

So the bill was ordered engrossed and read third time.

Assembly bill No. 385, an Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 269—was taken from the file and referred to the Judiciary Committee.

Senate bill No. 337, an Act to authorize the Board of State Harbor Commissioners to employ counsel in San Francisco—read third time, and passed.

Senate bill No. 6, an Act to amend an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

On the adoption of a substitute, offered by Mr. Hawes, the ayes and noes were demanded, by Messrs. Hawes, Roberts, and Hartson, and taken, with the following result:

**AYES**—Messrs. Benton, Buckley, Burnell, Gaskill, Hawes, Heacock, Haskin, Kutz, Maddox, McMurtry, Moyle, Redington, and Shafter—13.

**NOES**—Messrs. Cot, Evans, Hale, Hall, Hartson, Jones, Leonard, Pierce, Smith, Wright, and Yule—11.

So the substitute was adopted.

Mr. Wright now moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Hale, Wright, and Roberts, and taken, with the following result:

**AYES**—Messrs. Benton, Burnell, Cot, Cunningham, Evans, Foulke, Hale, Hall, Hartson, Henry, Jones, Leonard, Montgomery, Pierce, Roberts, Smith, Tuttle, Wright, and Yule—19.

**NOES**—Messrs. Buckley, Freeman, Gaskill, Hamilton, Haswell, Hawes, Heacock, Haskin, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, and Shafter—16.

So the enacting clause was stricken out.

Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohner—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

**MR. PRESIDENT:**—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 288, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one;

Also, Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma;

Also, Senate bill No. 290, an Act to fix the compensation of the Board of Supervisors of Sonoma County.

ROBERTS, Chairman.

Senate bill No. 297, an Act supplementary to the Act entitled an Act concerning crimes and punishments—read third time, and passed.

Assembly bill No. 140, an Act for the preservation of the public health—referred to the Committee on Hospitals.

Assembly bill No. 101—returned to the file.

Assembly bill No. 160—returned to the file.

Assembly bill No. 139, an Act to promote the study of anatomy—considered as in Committee of the Whole, and reported back without amendment.

Mr. Yule moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Kutz, Yule, and Foulke, and taken, with the following result:



AYES—Messrs. Burnell, Freeman, Gaskill, Jones, Kutz, Leonard, Maddox, Meyers, Montgomery, Pierce, Shepard, Tuttle, and Yule—13.

NOES—Messrs. Benton, Buckley, Cunningham, Foulke, Hall, Hamilton, Haswell, Heacock, Henry, Haskin, McMurtry, Moyle, Porter, Redington, Roberts, Smith, and Wright—17.

So the motion was lost.

The bill was read third time, and, on motion of Mr. Gaskill, was re-committed to Mr. Haswell, with instructions to insert the following :

*" Provided, that nothing in this Act contained shall authorize the use of any dead body for anatomical purposes, except of those persons who have died during their term of service in the State Prison, or been executed for crime."*

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate concurrent resolution No. 23, relative to Swamp and Overflowed Lands, and have delivered the same to the Secretary of State ;

Also, Senate bill No. 282, an Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three ;

Also, Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three ;

Also, Senate bill No. 139, an Act to re-district the City and County of San Francisco ;

Also, Senate bill No. 255, an Act to amend an Act entitled an Act to regulate the fees of certain officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine ;

Also, Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento ;

Also, Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two ;

And that said bills were, on this fifteenth day of March, A. D. eighteen hundred and sixty-four, at two o'clock P. M., delivered to the Governor for his approval.

MOYLE, Chairman.

Mr. Montgomery, by leave, introduced a bill for an Act concerning the offices of Clerk and Recorder.

Read first and second times, and referred to the Judiciary Committee.

Mr. Meyers introduced a bill for an Act to authorize the sale and conveyance to Edward W. O'Neill of certain Overflowed Lands in the City and County of San Francisco.



Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

The President announced as the special committee, in accordance with Assembly concurrent resolution No. 36, Messrs. Smith, Roberts, and Benton;

Also, as the select committee to whom was referred Senate bill No. 362, Messrs. Shafter, Cunningham, Smith, Heacock, and Meyers.

#### GENERAL FILE RESUMED.

Senate bill No. 295, an Act explanatory of and supplemental to an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 295, an Act supplementary to an Act entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three—considered in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 69, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—indeinitely postponed.

Assembly bill No. 280, an Act to amend an Act concerning Teachers of Common Schools in this State—considered as in Committee of the Whole, reported back without amendment, read third time, and passed, and title amended.

Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Evans, Pierce, and Meyers, and taken, with the following result:

**AYES**—Messrs. Foulke, Freeman, Haskin, Jones, Kutz, Moyle, Porter, Tuttle, and Wright—9.

**NOES**—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Evans, Gaskill, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Maddox, McMurtry, Meyers, Pierce, Redington, Roberts, Shafter, and Shepard—21.

So the motion was lost.

The bill was ordered engrossed and read third time.

At four o'clock and forty-five minutes P. M., on motion of Mr. Freeman, the Senate adjourned.

## EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

## SPECIAL FILE.

Senate bill No. 293—returned to the file.

Senate bill No. 294, an Act to provide for the redemption of the funded indebtedness of the City of Sacramento—considered as in Committee of the Whole, reported without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 221, an Act for the relief of Miss M. H. Bowne—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 232—returned to the file.

Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of paying the expenses of improving the burial grounds, and erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

On the motion to suspend the rules and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Gaskill, Hawes, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Foulke, Freeman, Gaskill, Hartson, Haswell, Haskin, Jones, Kutz, Leonard, Meyers, Montgomery, Redington, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—21.

NOES—Messrs. Buckley, Cot, Crane, Evans, Hale, Hawes, Henry, Maddox, McMurtry, Moyle, Pierce, Porter, and Shafter—13.

So the motion was lost.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Hawes, Montgomery, and Pierce, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Freeman, Gaskill, Hartson, Haswell, Haskin, Jones, Kutz, Leonard, Meyers, Montgomery, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—19.

NOES—Messrs. Buckley, Cot, Crane, Evans, Foulke, Hale, Hawes, Henry, Maddox, McMurtry, Moyle, Pierce, Porter, Redington, and Shafter—15.

So the bill was ordered engrossed and read third time.

Mr. Montgomery offered the following resolution:

*Resolved, That when the Special and Local File is under consideration,*

no Senator shall speak more than twice to the same question, and no Senator, when speaking, shall occupy more than five minutes any one time.

On the motion of Mr. Kutz to strike out the word "five" and insert the word "ten," the ayes and noes were demanded, by Messrs. Burnell, Evans, and Yule, and taken, with the following result :

**AYES**—Messrs. Benton, Buckley, Cot, Gaskill, Hale, Hamilton, Hawes, Henry, Kutz, Maddox, Meyers, Moyle, Pierce, Porter, Roberts, and Shafter—16.

**NOES**—Messrs. Burnell, Crane, Cunningham, Evans, Foulke, Freeman, Hartson, Haswell, Haskin, Jones, Leonard, McMurtry, Montgomery, Redington, Shepard, Smith, Tuttle, Wright, and Yule—19.

So the amendment was rejected.

The resolution was adopted.

Senate bill No. 203, an Act to provide for the erection of a Jail and the repairing of the Court-house in the County of Alameda—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 242, an Act for the relief of J. A. Moultrie—substitute adopted, reading dispensed with, rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Wright, Roberts, and Foulke, and taken, with the following result :

**AYES**—Messrs. Benton, Buckley, Burnell, Evans, Foulke, Freeman, Gaskill, Hale, Hartson, Haswell, Henry, Jones, Kutz, Leonard, McMurtry, Montgomery, Pierce, Redington, Shafter, Shepard, and Yule—21.

**NOES**—Messrs. Cot, Crane, Cunningham, Maddox, Moyle, Roberts, Tuttle, and Wright—8.

So the bill passed.

Mr. Hawes declined voting when his name was called on the above vote.

Mr. Gaskill moved that the name of Mr. Hawes be now called, and that he be required to vote on the question.

The Chair recognized Mr. Hawes, who had addressed the Chair.

Mr. Gaskill raised the point of order that Mr. Hawes had no right to address the Senate.

The Chair decided the point of order not well taken.

Mr. Gaskill appealed.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was taken, and the decision of the Chair sustained.

As the vote was about being taken on Mr. Gaskill's motion, Mr. Gaskill asked the Chair to request Mr. Hawes to retire from the Senate Chamber until after the vote was taken, and quoted from Cushing's Manual his authority for making the request.

The Chair made the request.

Mr. Hawes appealed from the decision of the Chair, as to his authority to make the request.

On which appeal, the ayes and noes were demanded, by Messrs. Hawes, Cot, and Pierce.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the roll was called, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Freeman, Gaskill, Hale, Hamilton, Hartson, Haswell, Jones, Leonard, Maddox, Montgomery, Porter, Redington, Roberts, Shepard, Tuttle, and Yule—21.

NOES—Messrs. Buckley, Cot, Foulke, Henry, Haskin, Kutz, Meyers, Moyle, Pierce, Shafter, and Wright—11.

So the Chair was sustained in his order.

Mr. Jones now moved to reconsider the vote by which the order of the Chair was sustained.

On which, the ayes and noes were demanded, by Messrs. Hawes, Shafter, and Jones, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Foulke, Hall, Haskin, Jones, Kutz, Meyers, Moyle, Shafter, Tuttle, and Wright—12.

NOES—Messrs. Benton, Crane, Cunningham, Evans, Gaskill, Hale, Hamilton, Hartson, Haswell, Leonard, Maddox, Porter, Redington, Roberts, Shepard, and Yule—16.

So the reconsideration was rejected.

Mr. Jones moved that further proceedings under the above order be dispensed with.

Mr. Gaskill raised a point of order that the motion could not be entertained, for the reason that the order had been complied with, Mr. Hawes having left the Senate Chamber.

The Chair (Mr. Burnell) decided the point of order well taken.

Mr. Gaskill offered the following as a substitute for his motion :

WHEREAS, Senator Hawes, on a vote being taken, by ayes and noes, on Senate bill No. 242, an Act for the relief of J. A. Moultrie, persistently refused to vote, on his name being called, he being present; now, therefore, be it

*Resolved, by the Senate,* That the presiding officer of the Senate be and he is hereby required to reprimand the Senator for a contumacious refusal to comply with the rules of the Senate.

On the adoption of which, the ayes and noes were demanded, by Messrs. Evans, Kutz, and Cot, and taken, with the following result :

AYES—Messrs. Benton, Crane, Cunningham, Evans, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Haskin, Leonard, Moyle, Redington, Wright, and Yule—16.

NOES—Messrs. Burnell, Cot, Foulke, Freeman, Jones, Kutz, Maddox, Meyers, Porter, Roberts, Shafter, Shepard, and Tuttle—13.

So the substitute was adopted.

Mr. Pierce declined voting on the above vote.

Mr. Gaskill moved that the Sergeant-at-Arms be directed to bring before the bar of the Senate the Senator from San Mateo.



The motion prevailed.

Mr. Hawes was brought forward, and, in accordance with a resolution previously adopted, was reprimanded by the President.

Mr. Foulke offered the following:

WHEREAS, The Senator from Sonoma, in violation of the rules of the Senate, refused to vote, on the ayes and noes being called, when so ordered by the presiding officer, on a reconsideration of the vote by which the Senator from San Mateo was ordered to leave the Senate; therefore, be it

*Resolved*, That the Chair order the Senator from Sonoma to appear before the bar of the Senate, and give his excuses therefor.

Mr. Hawes, in speaking on the resolution before the Senate, used certain language, to which Mr. Hale took exceptions, and had the following taken down by the Secretary, to wit:

"That the statement that he (Mr. Hawes) had persistently refused to vote, when requested or required so to do by the Senate, is a falsehood."

On the question, "Is this the language of the Senator?" Mr. Benton moved to strike out the word "persistently," and insert in place thereof the word "obstinately."

The amendment was adopted.

By a vote, the Senate decided the above, as amended, to be the exceptional language.

Mr. Hawes made the necessary explanation, and retracted the exceptional language.

Mr. Hawes moved to amend Mr. Foulke's resolution, by adding the name of each and every member who it may be found, by referring to the Journal, may have refused or declined voting on any bill or proposition.

Mr. Yule raised the point of order, that the amendment was not pertinent to the question.

The President decided the point of order not well taken.

Mr. Evans appealed from the decision of the Chair.

Mr. Gaskill moved the previous question.

Sustained.

By a vote, the main question was demanded.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate," the vote was taken, and the decision of the Chair was not sustained.

The question now being on the adoption of Mr. Foulke's resolution, the ayes and noes were demanded, by Messrs. Kutz, Evans, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Cunningham, Evans, Foulke, Gaskill, Hale, Hamilton, Haswell, Jones, Maddox, Meyers, Moyle, Porter, Roberts, Shafter, Tuttle, Wright, and Yule—20.

NOES—Messrs. Crane, Freeman, Hartson, Haskin, Kutz, Redington, and Shepard—7.

So the resolution was adopted.

Mr. Pierce, in pursuance of the resolution first adopted, made the proper explanation, and on motion of Mr. Roberts, was excused.

Mr. Evans gave notice that on to-morrow he would move to amend

the Fourteenth Standing Rule of the Senate, by inserting after the word "question," in fourth line, the following :

"And in case he shall refuse to vote as herein required upon his name being called the second time, he shall be deemed to have wilfully refused to obey the rules of the Senate, to have acted in contempt thereof, and subject to such punishment as the Senate may see proper to inflict."

Mr. Hawes moved to rescind the resolution relating to his censure. After speaking five minutes, he was called to order by the President, as having exhausted his time.

From which decision Mr. Kutz appealed.

When, at twelve o'clock and fifteen minutes A. M., March sixteenth, on motion of Mr. Burnell, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 16th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent without leave—Messrs. Freeman, Gaskill, Hale, Henry, Jones, Meyers, Montgomery, and Pierce.

Prayer by Reverend N. R. Peck.

Journal of yesterday read.

Mr. Hawes moved to strike out, on page five hundred and thirty, lines twenty-four and twenty-five, the words "Mr. Hawes made the necessary explanation, and retracted the exceptionable language," and insert the following :

"Mr. Hawes explained, which explanation was accepted by the Senate."

The motion to strike out was carried.

On the motion to insert, the above amendment was adopted, and the Journal, as amended, approved.

Mr. Hawes gave notice that he would, at an early day, present his protest to the insertion of the resolutions of censure on the Journal.

## PETITIONS.

Mr. Smith presented a petition of citizens of Butte County in favor of the repeal of the specific contract law.

Laid on the table.

Mr. Crane presented a petition of citizens of San Francisco, relating to State Gauger.

Laid on the table.

Mr. Evans, pursuant to notice, now moved to reconsider the vote by which the Senate, on yesterday, ordered engrossed Senate bill No. 14, an Act to amend an Act to regulate proceedings in Courts of justice, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory and supplementary thereto.

The motion prevailed.

Mr. Evans moved to strike out the section providing the time for the Act to go into effect, and insert as follows :

“This Act shall take effect and be in force from and after the first Monday in February, eighteen hundred and sixty-six.”

The amendment was adopted.

The bill was ordered engrossed and read third time.

Mr. Hawes, by leave, offered the following :

WHEREAS, by the Eighteenth Rule of the Senate it is provided and ordered that no member shall absent himself from the service of the Senate without leave first obtained ; and

WHEREAS, Senators Gaskill and Hale, the Senators from Butte and Placer, did thus absent themselves without leave, and failed to answer to their names at roll call, this the sixteenth day of March, eighteen hundred and sixty-four ; therefore, be it

*Resolved*, by the Senate, that the presiding officer be and he is required to reprimand the said Senators Gaskill and Hale for their contumacious refusal to comply with the rules of the Senate.

Laid on the table.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 172, an Act to authorize Thomas Cutter, D. M. Kenfield, John Sedgwick, and their associates and assigns, to construct and maintain a toll road in the County of Tuolumne ; Also, Senate bill No. 283, an Act to regulate fees in the County of Fresno ;

Also, Senate bill No. 284, an Act to fix the compensation of the District Attorney of the County of Fresno ;

Also, Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 286, an Act granting parties therein named the right to construct a wagon road, and collect tolls thereon.

ROBERTS, Chairman.

#### GENERAL FILE.

Senate bill No. 59, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose—placed at top of the file for Thursday, March seventeenth, eighteen hundred and sixty-four.

Senate bill No. 230, an Act amendatory of and supplementary to an

Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three—considered as in Committee of the Whole.

Pending the consideration, Mr. Benton called for the regular order of business.

#### REPORTS.

Mr. Benton, Chairman of the Committee on State Prison and Public Buildings, made the following report:

MR. PRESIDENT:—The Committee on State Prison and Public Buildings report back Assembly bill No. 166, an Act condemning parts of certain streets adjacent to the Insane Asylum in the City of Stockton, for asylum purposes, and recommend that it be referred to the Judiciary Committee.

BENTON, Chairman.

Mr. Benton also presented a report from the Committee on State Prison.

Ordered printed.

[For report, see Appendix.]

Mr. Gaskill made the following report:

MR. PRESIDENT:—The Butte delegation, to whom was referred Senate bill No. 354, an Act to provide for funding the indebtedness of the County of Butte, report the same back with amendments, and recommend its passage as amended.

GASKILL,  
SMITH.

Mr. Pierce, from the Committee on Elections, made the following report:

MR. PRESIDENT:—The undersigned, a minority of your Committee on Elections, to whom was referred Assembly bill No. 233, begs to report that he deems the power sought to be conferred on the Judges and Inspectors of Elections by the bill not only too great, but dangerous to the liberty of the voter and the free exercise of the elective franchise.

That an arbitrary exercise of the power would, in the judgment of the minority of your committee, endanger the very government itself.

It is the privilege as well as the right of every citizen to vote, and the object of legislation on the subject should be to protect the right and determine the citizenship only. The bill trammels, limits, and restricts the right of a citizen to vote, and to that extent is an infringement of a constitutional right. The minority of your committee therefore recommend that the bill be indefinitely postponed.

PIERCE,  
Minority of Committee.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 16th, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 349, an Act to provide for holding a special term of the District Court of the Fourteenth Judicial District in and for the County of Placer;

Also, Senate bill No. 128, an Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three;

Also, Senate bill No. 282, an Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three;

Also, Senate bill No. 263, an Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 176, an Act relative to the office of District Attorney of the County of Sacramento;

Also, Senate bill No. 255, an Act to amend an Act entitled an Act to regulate the fees of certain officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine.

FRED'K F. LOW,  
Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 15th, 1864. }

MR. PRESIDENT:—The Assembly has this day indefinitely postponed Senate bill No. 48, an Act concerning offices;

Also, passed Assembly concurrent resolution No. 37, relative to the publication, by the Secretary of State, of certain documents therein designated, and ask the concurrence of the Senate in the same;

Also, adopted Senate substitute for Assembly concurrent resolution No. 36.

Also, passed Senate bill No. 331, an Act repealing an Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of county taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven;

Also, passed Senate bill No. 349, an Act to provide for holding a special term of the District Court of the Fourteenth Judicial District in and for the County of Placer.

R. H. DALY,  
Assistant Clerk

ASSEMBLY CHAMBER,  
March 15th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twelfth instant, passed Assembly bill No. 106, an Act in relation to roads and Road Masters in Solano County;

Also, on the fourteenth instant, passed Assembly bill No. 291, an Act to extend an Act concerning hogs found running at large in certain counties in this State;

Also, on the twelfth instant, passed Assembly bill No. 322, an Act to provide for taking the State census;

Also, on the fourteenth instant, passed Assembly bill No. 323, an Act to enforce the collection of poll taxes;

Also, on the twelfth instant, passed Assembly bill No. 330, an Act to improve the navigation of the Mokelumne River;

Also, same day, passed Assembly bill No. 335, an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved March third, eighteen hundred and sixty-three;

Also, same day, passed Assembly bill No. 340, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, A. D. eighteen hundred and fifty-eight.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 15th, 1864. }

Mr. PRESIDENT:—The Assembly has this day passed Senate bill No. 250, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two;

Also, amended and passed Senate bill No. 272, an Act to fix the salary of the Superintendent of Public Schools of the County of Sutter;

Also, passed Senate bill No. 280, an Act to allow additional compensation to the Board of Supervisors of Nevada County;

Also, indefinitely postponed Senate bill No. 225, an Act for the relief of Levi Beck;

Also, on the twelfth instant, passed Assembly bill No. 386, an Act to amend an Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, this day, appointed Messrs. Hunt, Wood, and Scott of Alameda, a committee of investigation on the part of the House, on Assembly concurrent resolution No. 36.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 16th, 1864. }

Mr. PRESIDENT:—The Assembly, on the fifteenth instant, concurred in Senate concurrent resolution No. 27, in reference to Senate bill No. 150;

Also, same day, passed Senate bill No. 244, an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims

to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two;

Also, same day, passed Senate bill No. 247, an Act to grant the right to construct a wagon road in Tulare County;

Also, same day, passed Senate bill No. 259, an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty;

Also, same day, passed Senate bill No. 311, an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight;

Also, same day, passed Senate bill No. 317, an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, same day, amended and passed Senate bill No. 350, an Act to regulate the time for holding the terms and sessions of the County Court, Probate Court, and the Board of Supervisors, of the County of San Mateo;

Also, same day, indefinitely postponed Senate bill No. 154, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty;

Also, same day, concurred in Senate amendments to Assembly bill No. 385, an Act to provide for Recorders and Auditors in certain counties in this State, and to legalize the acts of certain officers;

Also, on the fourteenth instant, passed Assembly bill No. 288, an Act amendatory of an Act entitled an Act to regulate marriages, passed April twenty-two, eighteen hundred and fifty;

Also, on the twelfth instant, passed Assembly bill No. 346, an Act to amend an Act entitled an Act changing the time for assessing the value of real and personal property, and collecting the taxes thereon for State and county purposes, in the County of Sierra, approved April tenth, eighteen hundred and sixty-two;

Also, on the fourteenth instant, passed Assembly bill No. 347, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-eighth, eighteen hundred and sixty;

Also, on the same day, passed Assembly bill No. 389, an Act to amend an Act entitled an Act to amend an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, on the fifteenth instant, passed Assembly bill No. 371, an Act supplementary and amendatory to an Act entitled an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, approved April thirteenth, eighteen hundred and sixty-three;

Also, this day, concurred in Senate amendment to title of Assembly bill No. 280, an Act to amend an Act concerning Teachers of Common Schools in this State.

R. H. DALY,

Assistant Clerk.

ASSEMBLY CHAMBER.

March 16th, 1864. }

MR. PRESIDENT:—The Assembly has this day passed Assembly bill No. 176, an Act making appropriations for the support of the civil govern-

ment of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 37, above reported, was considered. On concurring, the ayes and noes were demanded, by Messrs. Pierce, Freeman, and Kutz, and taken, with the following result:

**AYES**—Messrs. Benton, Buckley, Cot, Cunningham, Hale, Hall, Hartson, Haswell, Henry, Jones, Kutz, Leonard, Redington, Roberts, Smith, Tuttle, Wright, and Yule—18.

**NOES**—Messrs. Crane, Freeman, Heacock, Maddox, Pierce, Porter, and Shafter—7.

So the resolution was concurred in.

Assembly bill No. 106, above reported, read first and second times, and referred to the Solano delegation.

Assembly bill No. 340, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 347, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 335, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 176, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 330, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 323, above reported, read first and second times, and placed on file.

Assembly bill No. 322, above reported, read first and second times, and placed on file.

Assembly bill No. 386, above reported, read first and second times, and placed on file.

Assembly bill No. 389, above reported, read first and second times, and placed on file.

Assembly bill No. 291, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 346, above reported, read first and second times, and referred to the Sierra delegation.

Assembly bill No. 288, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 371, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Senate concurred in Assembly amendments to Senate bill No. 272, above reported.

Senate concurred in Assembly amendments to Senate bill No. 350, above reported.



## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crane, for an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at Point San Quentin, for State Prison purposes.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act amendatory of an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

Read first and second times, and placed on file.

By Mr. Benton, for an Act concerning corporations.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Smith, for an Act to fix the time of holding the District Court in the Second Judicial District.

Read first and second times, and placed on file.

By Mr. McMurtry, for an Act to authorize the Board of Supervisors of Santa Clara County to sell and dispose of the stock of said county in the San Francisco and San José Railroad Company, and to protect its property in the same.

Read first and second times, and referred to the San Francisco, San Mateo, and Santa Clara delegations.

By Mr. Hartson, for an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and referred to the Napa delegation.

Mr. Roberts introduced a concurrent resolution relative to paying certain claims.

Adopted.

Mr. Hawes, pursuant to notice, now moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate bill No. 153.

Bill ordered to top of the file for Thursday, March seventeenth, eighteen hundred and sixty-four.

On motion of Mr. Shafter, the Forty-Fifth Rule was suspended, as far as relates to Senate bill No. 230, and the bill ordered transmitted to the Assembly immediately.

## GENERAL FILE RESUMED.

Senate bill No. 21—further considered as in Committee of the Whole, reported back with amendments, and ordered engrossed and read third time.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 250, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two;

Also, Senate bill No. 246, an Act to create a Contingent Fund for the County of Tulare;

Also, Senate bill No. 226, an Act to provide for collecting wharfage in Napa City;

Also, Senate bill No. 98, an Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five;

Also, Senate bill No. 342, an Act to provide for holding a special term of the District Court of the Fourteenth Judicial District in and for the County of Placer;

Also, Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento;

Also, Senate bill No. 210, an Act concerning the recording of certificates of incorporation and the arrangement of the archives of State in the Secretary of State's office;

Also, Senate bill No. 178, an Act for the relief of the State Agricultural Society;

Also, Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company;

And this sixteenth day of March, A. D. eighteen hundred and sixty-four, at two o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Senate bill No. 243, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and recommitted to the Judiciary Committee.

Senate bill No. 167, an Act supplementary to an Act to authorize the formation of corporations to provide the members thereof with homesteads—read third time, and passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Kutz, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Thursday, March 17th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read, corrected, and approved.

Leave of absence for one day was granted to Mr. Evans.

## PETITIONS.

Mr. Rush presented a petition of citizens of Tehama County, remonstrating against the passage of the bill for funding the indebtedness of Tehama County.

Laid on the table.

Mr. Porter presented a petition of shipmasters of San Francisco, remonstrating against the passage of the Act amendatory of the Pilot law.

Laid on the table.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 343, an Act to provide for the consolidation of railroad companies, and other matters in relation thereto, report the same back, and recommend its passage;

Also, Senate bill No. 344, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, having duly considered the same, report it back, and recommend its passage;

Also, Senate bill No. 346, an Act to authorize mining corporations to increase or diminish the number of their Trustees, report the same back, with recommendation that it pass.

SMITH, Chairman.

Mr. Leonard, from the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Assembly bill No. 311, an Act to amend an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, amended April twenty-fifth, eighteen hundred and sixty-three, having had the same under consideration, report the same back, and recommend its passage;

Also, Senate bill No. 357, an Act to provide for the erection and protection of guide boards on the county roads of this State, and recommend its passage;

Also, Assembly bill No. 371, an Act supplementary to and amendatory of an Act entitled an Act to amend an Act entitled an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, approved April thirteenth, eighteen hundred and sixty-three, and recommend its passage.

LEONARD, for Committee.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 248, an Act to amend an Act entitled an Act to regu-

late proceedings in civil cases in the Courts of justice of this State, having had the same under consideration, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 368, an Act concerning corporations, report the same back amended, and recommend its passage as amended;

Also, Senate bill No. 360, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-two, report the same back, and recommend its passage;

Also, Senate bill No. 140, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters pertaining thereto, approved April twenty-second, eighteen hundred and sixty-three, report the same back without recommendation, at the same time with the opinion that the Legislature have the power to repeal the Act;

Also, Senate bill No. 353, an Act to amend an Act concerning Notaries Public, passed April twenty-ninth, eighteen hundred and fifty-three, report the same back with a substitute, and recommend the passage of the substitute.

HARTSON, Chairman.

Mr. Hale, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred the petition of W. P. Monroe, concerning certain equitable claims against the Government of the United States, on account of moneys expended and labor performed in rendering navigable the section of the Sacramento river from Colusa to Monroeville, together with certain depositions relating thereto, have had the same under consideration, report the same back, and recommend that said petitioner have leave to withdraw said depositions from the files of the Senate, to enable him the more fully to present his said claim to the Congress of the United States.

HALE, for Committee.

The above report was adopted.

Mr. Jones, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred Senate bill No. 234, an Act making appropriation for the payment of the expenses growing out of the indictment and trial of Henry Bates, have had the same under consideration, and report it back without recommendation.

JONES, Chairman.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 222, an Act in relation to the water front of Block No. 9, in the City and County of San Francisco,



have had the same under consideration, and have been unable to agree upon a unanimous report to recommend its passage, as, while it is evident to the Committee that the grantees named in the bill are entitled to a preference of the privilege asked for, if a preference is to be given to any party, it being for the construction and use of a marine railway or dry dock on a water lot of which they are owners; but, as a special grant of the privilege might form an objectionable precedent, in conflict with the policy of the Water Front Act, they report the bill without recommendation.

PORTER, Chairman.

Mr. McMurtry, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 216, an Act in relation to the Recorder of the City of Petaluma;

Also, Senate bill No. 242, an Act for the relief of J. A. Moultrie;

Also, Senate bill No. 251, an Act to prevent the sale of intoxicating liquors on certain days of election to be held in this State;

Also, Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohner.

Also, Senate bill No. 292, an Act explanatory of and supplemental to an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two;

Also, Senate bill No. 295, an Act supplemental to an Act entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three.

McMURTRY, for Committee.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 237, an Act concerning fines, report the same back, and recommend its passage;

Also, Senate bill No. 238, an Act concerning the State revenue, and recommend its passage;

Also, Senate bill No. 314, an Act requiring the Tax Collector of the County of San Diego to collect all taxes levied and assessed on personal property in said county, or be liable on his official bond for the same, report it back without recommendation;

Also, Senate bill No. 339, an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, and recommend its passage as amended;

Also, Senate bill No. 345, an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 335, an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved March third, eighteen hundred and sixty-three, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Hall made the following report :

Mr. PRESIDENT :—The Solano delegation, to whom was referred Assembly bill No. 106, an Act in relation to roads and Road Masters in Solano County, have had the same under consideration, and report it back and recommend its passage.

HALL, for Delegation.

Assembly bill No. 106, above reported, was taken up, reading dispensed with, read third time, and passed.

Mr. Tuttle made the following report :

Mr. PRESIDENT :—The San Diego delegation, to whom was referred Senate bill No. 355, an Act granting the right to construct and maintain a public toll bridge across the Colorado River below the junction of that stream with the Gila River, to certain parties, their associates and assigns, therein named, report the same back and recommend its passage.

TUTTLE, for Delegation.

Mr. Moyle made the following report :

Mr. PRESIDENT :—The Sierra delegation, to whom was referred Assembly bill No. 346, an Act to amend an Act entitled an Act changing the time for assessing the value of real and personal property, and collecting the taxes thereon for State and county purposes in the County of Sierra, approved April tenth, eighteen hundred and sixty-two, have had the same under consideration, and report the same back without amendment, and recommend its passage.

MOYLE, for Delegation.

Mr. Hawes made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 358, an Act to provide for the settlement of certain land claims within the City and County of San Francisco, have had the same under consideration, and beg leave to report the bill back, with certain amendments which they have agreed on, and recommend the passage of the bill as amended.

HAWES, for Delegation.

Mr. Cunningham made the following report :

Mr. PRESIDENT :—The Yuba delegation, to whom was referred Assembly bill No. 312, an Act granting James L. Hall and his associates the right to lay down gas pipes in the Town of Brown's Valley, in Yuba County, report the same back and recommend its passage.

CUNNINGHAM,  
HASWELL.

Mr. Redington made the following report :

Mr. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 335, an Act for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, report the same back and recommend its passage.

REDINGTON, for Delegation.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation;

Also, Senate bill No. 203, an Act to provide for the erection of a Jail and the repair of the Court-house in the County of Alameda;

Also, Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonoma to levy a special tax for the benefit of the Fire Department;

Also, Senate bill No. 294, an Act to provide for the redemption of the funded indebtedness of the City of Sacramento;

Also, Senate bill No. 363, an Act to authorize the Board of Supervisors of Placer County to appropriate money from the General Fund of said county.

ROBERTS, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 16th, 1864. }

*To the Senate of the State of California:*

In compliance with Senate concurrent resolution No. 27, adopted March fifteenth, eighteen hundred and sixty-four, I herewith return to your honorable body, Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three, without my approval, for the correction, by the Legislature, of an error therein contained.

FRED'K F. LOW,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 16th, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 215, an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two.

R. H. DALY,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Maddox, for an Act to provide for the election of Supervisors in certain counties in this State.

Read first and second times, and placed on file.

By Mr. Roberts, for an Act to amend an Act entitled an Act to regu-

late proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Crane, for an Act to provide for the sale of certain Swamp and Overflowed Lands in the County of Alameda.

Read first and second times, and placed on file.

By Mr. Gaskill, for an Act for the relief of the companies composing the Fifth Brigade of the organized militia of the State of California.

Read first and second times, and referred to the delegations from the counties comprising the Fifth Brigade.

By Mr. Shafter, for an Act to provide for street railroads within the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### RESOLUTION.

Mr. Hale offered the following resolution :

*Resolved*, That the Finance Committee are hereby instructed to inquire into the condition and amount of the unliquidated claim (if any) of the State of California against the Government of the United States, for money expended or liability incurred by said State in the suppression of Indian hostilities in the year A. D. eighteen hundred and fifty-one, and subsequent thereto, and at an early day report thereon to the Senate, together with such recommendations as they may deem appropriate for the protection of the just rights of said State in the premises.

Adopted.

Senate bill No. 150, returned by the Governor, in accordance with Senate concurrent resolution No. 27, was, on motion of Mr. Crane, taken up, and the vote by which the Senate concurred in Assembly amendments, by adding section four, was, by unanimous consent, reconsidered. The Senate then refused to concur in the amendments, and asked the Assembly to recede therefrom.

On motion of Mr. Buckley, Senate bill No. 140, above reported by the Finance Committee, was referred to the San Francisco delegation.

On motion of Mr. Benton, Senate bill No. 368, an Act concerning corporations, was taken up, considered as in Committee of the Whole, and reported back without amendment.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Hale, Crane, and Heacock, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Gaskill, Hale, Haswell, Heacock, Henry, Haskin, Jones, Maddox, Montgomery, Moyle, Redington, Shafter, Shepard, Smith, Wright, and Yule—  
22.

NOES—Messrs. Pierce and Roberts—2.

So the bill was ordered engrossed and read third time.

Mr. Hale gave notice of a motion to reconsider the above vote.



## GENERAL FILE.

Assembly bill No. 249, an Act to provide for the funding the indebtedness of Tehama County.

Mr. Gaskill offered an amendment, striking out all after the enacting clause and inserting:

On motion of Mr. Rush, the bill was ordered to top of the Special File for Friday evening, March eighteenth, eighteen hundred and sixty-four.

Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto.

Mr. Redington moved to make the bill the special order for two o'clock on Tuesday, March twenty-second.

On which, the ayes and noes were demanded, by Messrs. Evans, Redington, and Hale, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Crane, Evans, Foulke, Freeman, Hale, Hamilton, Hawes, Henry, Haskin, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Rush, Shafter, Shepard, Smith, Tuttle, and Wright—26.

NOES—Messrs. Burnell, Cunningham, Gaskill, Hall, Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Roberts, and Yule—12.

So the bill was so ordered.

Senate bill No. 59, an Act to provide for the payment of certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Burnell moved that the vote be reconsidered by which the Senate adopted the following amendment to section eleven:

*"Provided, that no bond shall be issued under the provisions of this Act until and unless all the said Indian war bonds now outstanding, together with all the coupons, principal, and interest, be surrendered up by the holders to the State and cancelled."*

The motion to reconsider prevailed.

Mr. Shafter moved to strike out of the proviso the words "all the coupons, principal, and interest."

The motion to strike out was carried.

The amendment was adopted.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Pierce, Gaskill, and Foulke, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Foulke, Freeman, Henry, Haskin, and Montgomery—7.

NOES—Messrs. Buckley, Cot, Cunningham, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Jones, Leonard, Maddox, McMurtry, Pierce, Porter, Shafter, Shepard, Tuttle, and Yule—20.

So the engrossment was refused.

Senate bill No. 133, an Act to provide for the sale of the interests of

the State of California in the territory within the water front line of the City of San Francisco.

The question being to reconsider the vote by which the bill was indefinitely postponed—

Mr. Gaskill moved to indefinitely postpone the motion to reconsider.

The motion prevailed.

Senate bill No. 185, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—read third time, and passed.

Assembly bill No. 300, an Act to provide for ascertaining the amount of fees paid to certain officers—considered as in Committee of the Whole, reported back with amendments, and recommitted to Messrs. Evans and Hartson, with instructions.

At four o'clock and thirty minutes P. M., on motion of Mr. Leonard, the Senate adjourned.

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#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Heacock moved a call of the Senate.

Messrs. Hawes, Roberts, and Benton, were presented at the bar of the Senate, admitted, and excused.

Quorum present.

On motion of Mr. Smith, further proceedings under the call were suspended.

#### SPECIAL FILE.

Senate bill No. 301, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 300—returned to file.

Senate bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties.

On motion of Mr. Leonard, the vote by which the bill was ordered engrossed was reconsidered, the bill amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 274, an Act to regulate the fees and fix the salaries of certain officers in the County of Santa Clara—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 234, an Act to authorize Lucian B. Healey to sell certain real estate—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 267, an Act providing for the time of holding the

County and Probate Courts in the County of Alameda—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, passed, and the title amended.

Senate bill No. 332—returned to the file.

Assembly bill No. 286, an Act to authorize the Guardian of certain minor children to sell and convey real estate—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 247, an Act to authorize the Executor of the last will and testament of E. S. Cooper, deceased, to sell and convey real estate—considered as in Committee of the Whole, and reported back without amendment.

On the final passage of the bill, the ayes and noes were demanded, by Messrs. Wright, Pierce, and Hartson, and taken, with the following result:

**AYES**—Messrs. Buckley, Burnell, Evans, Foulke, Freeman, Gaskill, Haswell, Heacock, Henry, Leonard, McMurtry, Meyers, Montgomery, Shafter, Shepard, Smith, Tuttle, and Yule—18.

**NOES**—Messrs. Benton, Cot, Cunningham, Hale, Hall, Hartson, Hawes, Haskin, Kutz, Moyle, Pierce, Porter, Redington, Roberts, Rush, and Wright—16.

So the bill passed.

Assembly bill No. 282, an Act to provide for the construction of a wagon and turnpike road in the Counties of Fresno and Mono—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 316, an Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 315, an Act in relation to the office of Superintendent of Common Schools in San Diego County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 351, an Act to authorize the transfer of certain funds from the Current Expense Fund to the Jail Fund in the County of Los Angeles—rules suspended, read third time, and passed.

Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses, and pay off its floating debt—read third time, and passed.

Senate bill No. 145—ordered placed on the General File.

Assembly bill No. 334, an Act concerning roads and highways in Santa Clara County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Mr. Porter moved that Assembly bills Nos. 190 and 214, and Senate bills Nos. 148, 322, 253, and 369, be returned to the General File.

On which, the ayes and noes were demanded, by Messrs. Evans, Crane, and Montgomery, and taken, with the following result:



AYES—Messrs. Benton, Buckley, Cot, Cunningham, Evans, Gaskill, Hale, Hall, Hamilton, Haswell, Hawes, Heacock, Henry, Kutz, Leonard, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shepard, Tuttle, and Wright—26.

NOES—Messrs. Burnell, Crane, Foulke, Freeman, Hartson, Haskin, Jones, Maddox, Montgomery, Shafter, Smith, and Yule—12.

So the bills were so transferred.

Senate bill No. 319, an Act to appropriate money to pay the claim of J. T. Hall—considered as in Committee of the Whole, and reported back without amendment.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Burnell, Crane, and Hale, and taken, with the following result:

AYES—Messrs. Buckley, Gaskill, Jones, Pierce, Shafter, Tuttle, and Wright—7.

NOES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Evans, Foulke, Freeman, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Leonard, McMurtry, Meyers, Montgomery, Moyle, Redington, Rush, Shepard, Smith, and Yule—24.

So the motion was lost.

The bill was considered engrossed, read third time, and passed.

Senate bill No. 320, an Act to appropriate money to pay the claim of I. & S. Wormser, assignees of J. A. Levison—considered as in Committee of the Whole, reported back without amendment.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Jones, Crane, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Evans, Foulke, Freeman, Hall, Hamilton, Haswell, Jones, Montgomery, Porter, Redington, Shepard, Smith, Tuttle, and Yule—17.

NOES—Messrs. Crane, Cunningham, Gaskill, Hale, Hartson, Heacock, Haskin, Kutz, Leonard, McMurtry, Meyers, Moyle, Roberts, Rush, Shafter, and Wright—16.

So the bill was ordered engrossed and read third time.

Assembly bill No. 308, an Act to create the County of Lassen, to define its boundaries, and provide for its organization—reading dispensed with, and the bill read third time and passed.

Assembly bill No. 302, an Act for the relief of Paschal Bequette—considered as in Committee of the Whole, and reported back without amendment.

Mr. Shafter moved to amend by striking out the words "and required," in section one, line two.

On which motion, the ayes and noes were demanded, by Messrs. Kutz, Moyle, and Hale, and taken, with the following result:

AYES—Messrs. Cot, Crane, Cunningham, Hale, Haskin, Jones, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, and Shafter—13.

NOES—Messrs. Benton, Burnell, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Montgomery, Pierce, Rush, and Wright—14.



So the amendment was rejected.

On ordering the bill read third time, the ayes and noes were demanded, by Messrs. Kutz, Shafter, and Hale, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Evans, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Montgomery, Rush, and Wright—13.

NOES—Messrs. Cot, Crane, Cunningham, Hale, Haskin, Jones, Kutz, Maddox, McMurtry, Moyle, Pierce, Porter, Roberts, and Shafter—14.

So the third reading was refused.

Senate bill No. 324, an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 277, an Act to fix the compensation of the District Attorney of Colusa County—indefinitely postponed.

Senate bill No. 328—returned to the file.

Senate bill No. 207, an Act to establish Pilots and Pilot regulations for the Ports of San Francisco, Mare Island, and Benecia.

Mr. Evans moved to place the bill upon the General File.

The Chair (Mr. Burnell) decided that it took a two thirds vote to remove the bill to the General File.

Mr. Evans appealed from the decision of the Chair.

Pending which, at nine o'clock and forty minutes P. M., on motion of Mr. Pierce, the Senate adjourned.

T. N. MACHIN,  
President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER, }  
Friday, March 18th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Journal of yesterday read, corrected, and approved.

The President presented the following communication :

OFFICE OF THE CENTRAL PACIFIC R. R. OF CALIFORNIA, }  
Sacramento, March 18th, 1864. }

*To the Honorable the President and*

*Senate of the State of California :*

The Central Pacific Railroad Company intend running an excursion train to the Granite Quarry on Saturday, leaving the corner of Front and I streets at one o'clock P. M., and would be pleased to have the members

of your House, and its attachés and Reporters join in the excursion, see the character of the work, and the progress that has been made in the construction of this great National highway.

Respectfully, your obedient servant,  
LELAND STANFORD,  
President C. P. R. R. Co.

#### PETITIONS.

Mr. Lovett presented a petition of citizens of Monterey County, remonstrating against the passage of a law changing in any manner the emoluments of the offices of Clerk and Recorder of said county.

Referred to the Monterey delegation.

Mr. Maddox presented a petition of citizens of El Dorado County, asking the passage of an Act concerning Common Schools in the City of Placerville.

Laid on the table.

Mr. Buckley presented a petition of citizens of San Francisco, asking the passage of the bill raising the prices of fares on the street railroads of said city.

Laid on the table.

Mr. Dodge presented a petition of citizens of San Francisco, remonstrating against the passage of the bill raising the prices of fares on the street railroads.

Laid on the table.

Mr. Lovett presented a petition of citizens of Monterey County, relative to the collection of taxes.

Referred to the Finance Committee.

#### REPORTS.

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT:—Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 87, an Act relating to the Swamp and Overflowed Land in District Number Two, in the County of Sacramento, have had the same under consideration, report the same back with amendments, and recommend the passage of the same as amended.

HALL, Chairman.

Assembly bill No. 87, above reported, was taken up under a suspension of the rules, amended, read third time, passed, and the title amended.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto ;

Also, Senate bill No. 368, an Act concerning corporations.

ROBERTS, Chairman.

Mr. Gaskill made the following report :

Mr. PRESIDENT :—The delegations from those counties composing the Fifth Brigade of the California State Militia, to whom was referred Senate bill No. 376, an Act for the relief of the companies of the Fifth Brigade of the organized militia of the State of California, report the same back, and recommend its passage.

GASKILL,  
JONES,  
FOULKE,  
SMITH,  
RUSH.

Mr. Porter made the following report :

Mr. PRESIDENT :—The undersigned, a majority of your special committee to whom was referred Senate bill No. 275, an Act relating to elections held by political parties or associations, have considered the same, and report it back, with a substitute for all after the enacting clause, and recommend the adoption and passage of the substitute, and your committee would recommend also the following substitute for the title of the bill: "An Act to prevent and punish fraud in the elections of voluntary political associations."

HALL,  
SHAFTER,  
PORTER.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 17th, 1864. }

Mr. PRESIDENT :—The Assembly, on the sixteenth instant, indefinitely postponed Senate bill No. 196, an Act supplementary to an Act to establish a Female Department in the County Jail of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-three ;

Also, this day, amended and passed Senate bill No. 273, an Act to revive and re-enact sections four and five of an Act entitled an Act amendatory and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and to repeal a former Act relating thereto ;

Also, on the fifteenth instant, passed Assembly bill No. 96, an Act to amend an Act entitled an Act granting the right to construct and maintain a railroad in certain streets therein named in the City and County of San Francisco, approved April twenty-third, eighteen hundred and sixty-three ;

Also, same day, passed Assembly bill No. 283, an Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two ;

Also, same day, passed Assembly bill No. 302, an Act to establish the lines and grades of streets in the City and County of San Francisco ;

Also, same day, passed Assembly bill No. 357, an Act amendatory of an Act entitled an Act to reduce and establish the salaries of officers and pay of members of the Legislature, approved April twenty-first, eighteen hundred and fifty-six ;

Also, on the sixteenth instant, passed Assembly bill No. 381, an Act amendatory of and supplementary to an Act entitled an Act to provide for street railroads in the City and County of San Francisco, approved

April seventeenth, eighteen hundred and sixty-one, and to other similar bills, severally approved April seventeenth, eighteen hundred and sixty-one, and March twenty-eighth, eighteen hundred and sixty-three;

Also, this day, adopted Assembly concurrent resolution No. 38, granting Thomas H. Rector, County Clerk of Klamath County, leave of absence, and ask the concurrence of the Senate in the same;

Also, on the tenth instant, amended and passed Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road near the Big Meadows, in Calaveras County, and ask the concurrence of the Senate in said amendment.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 17th, 1864. }

Mr. PRESIDENT:—The Assembly, on the fifteenth instant, passed Assembly bill No. 159, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board;

Also, this day, passed Senate bill No. 288, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 159, above reported, read first and second times, and placed on file.

Assembly bill No. 96, above reported, read first and second times, and placed on file.

Assembly bill No. 302, above reported, read first and second times, and placed on file.

Assembly bill No. 367, above reported, read first and second times, and placed on file.

Assembly bill No. 381, above reported, read first and second times, and placed on file.

Assembly bill No. 283, above reported, read first and second times, and referred to the Placer delegation.

Assembly concurrent resolution No. 38, above reported, read and concurred in.

Senate concurred in Assembly amendment to Senate bill No. 273, above reported.

Senate concurred in Assembly amendment to Senate bill No. 105, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hartson, for an Act to amend an Act entitled an Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved April fourth, eighteen hundred and sixty-one.



Read first and second times, and referred to the Committee on Corporations.

By Mr. Heacock, for an Act amendatory of and supplementary to an Act entitled an Act providing for the government of Sacramento County, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Haswell, for an Act concerning a State Alms-house.

Read first and second times, and placed on file.

By Mr. Yule, for an Act to change the name of Andrew Smith to Andrew Hallidie.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Dodge, for an Act concerning the fees of jurors and witnesses in the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Benton, for an Act to amend an Act entitled an Act to provide a Special Fund for the construction of the State Capitol Building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and ordered placed at top of the file for Thursday, March twenty-fourth, eighteen hundred and sixty-four.

By Mr. Wright, for an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed.

Mr. Gaskill gave notice of a motion to reconsider.

#### GENERAL FILE.

Senate bill No. 16, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers.

The question being, "Shall the bill pass notwithstanding the Governor's objections?" the roll was called, with the following result:

AYES—Messrs. Cot, Foulke, Freeman, Gaskill, Hale, Hamilton, Hawes, Kutz, Leonard, Maddox, Montgomery, Moyle, Roberts, Shafter, and Shepard—14.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Hall, Haswell, Heacock, Haskin, Jones, Lovett, Pierce, Porter, Redington, Rush, Tuttle, and Wright—19.

So the Governor's objections were sustained.

Senate bill No. 208, an Act to authorize William M. Harron to dispose of certain interests in a house and lots in Sacramento.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Freeman, Hale, Hall, Hamilton, Haswell, Heacock, Henry, Kutz, Leonard, Lovett, Maddox, Moyle, Porter, Shafter, and Shepard—18.

NOES—Messrs. Crano, Cunningham, Dodge, Evans, Foulke, Hawes, Haskin, Jones, Pierce, Redington, Roberts, Rush, Tuttle, and Wright—14.

So the Governor's objections were sustained.

Assembly bill No. 202, an Act to authorize the Administrator of the estate of Josiah B. Royal, deceased, to sell property of said estate at public or private sale.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Burnell, Cot, Foulke, Freeman, Hale, Hall, Hamilton, Haswell, Heacock, Henry, Kutz, Leonard, Maddox, Montgomery, Pierce, Rush, Shafter, Shepard, and Tuttle—19.

NOES—Messrs. Benton, Buckley, Crane, Cunningham, Dodge, Hawes, Haskin, Lovett, Redington, and Roberts—10.

So the Governor's objections were sustained.

#### SPECIAL ORDER.

On motion of Mr. Crane, the Senate resolved itself into

#### EXECUTIVE SESSION.

On the confirmation of B. B. Thayer as State Assayer of Ores and Metals, the roll was called, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Evans, Freeman, Hale, Hall, Hamilton, Haswell, Henry, Haskin, Kutz, Leonard, Lovett, Maddox, Montgomery, Moyle, Roberts, Shafter, Tuttle, Wright, and Yule—24.

NOES—Messrs. Cot, Dodge, Foulke, Hawes, Pierce, Porter, Redington, and Rush—8.

So the appointment was confirmed.

Upon the confirmation of Gardner H. Cushing, as Gauger of Wines and Liquors, the roll was called, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Hawes, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Maddox, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shepard, Smith, Tuttle, Wright, and Yule—34.

NOES—Messrs. Haswell, Jones, and Shafter—3.

So the appointment was confirmed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 18th, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 226, an Act to provide for collecting wharfage in Napa City;

Also, Senate bill No. 250, an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two ;

Also, Senate bill No. 188, an Act to fix the terms of the County Court and Probate Court of the County of Sacramento ;

Also, Senate bill No. 246, an Act to create a Contingent Fund for the County of Tulare ;

Also, Senate bill No. 98, an Act to amend an Act entitled an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five ;

Also, Senate bill No. 210, an Act concerning the recording of certificates of incorporation, and the arrangement of the archives of State in the Secretary of State's office.

I herewith transmit to your honorable body the following claim :

State of California vs. Garrett Tracy—one hundred and four dollars and sixteen cents.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 18th, 1864. }

*To the Senate of the State of California :*

Herewith I beg to lay before you a communication from the Controller, informing me that the floating indebtedness of the State has reached the constitutional limit of three hundred thousand dollars, and that he will decline to draw any more warrants upon the State Treasurer until the amount of outstanding indebtedness is reduced by payments from the Treasury.

I earnestly invoke early consideration of the subject matter of the Controller's communication, to the end that a remedy may be applied to the embarrassing condition of affairs at present existing. To the wisdom, patriotism, and ability of the present Legislature the people will look for wise and wholesome measures which shall not only relieve the present embarrassments, but also provide for the due administration of the State government in all its branches for the ensuing two years.

FRED'K F. LOW,  
Governor.

The above claim and Controller's communication were referred to the Committees on Judiciary and Finance, jointly.

#### GENERAL FILE RESUMED.

Senate bill No. 163—was ordered to top of file for Saturday, March nineteenth.

On motion of Mr. Haswell, Senate bill No. 380, an Act concerning a State Alms-house, was referred to a select committee of five.

The President appointed as such committee, Messrs. Haswell, Cunningham, Redington, Shepard, and Tuttle.

Senate bill No. 147, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress.

Mr. Wright moved to lay the bill upon the table.

On which, the ayes and noes were demanded, by Messrs. Porter, Wright, and Roberts, and taken, with the following result :

AYES—Messrs. Benton, Cunningham, Evans, Freeman, Gaskill, Hall, Hamilton, Haswell, Heacock, Haskin, Jones, Kutz, Maddox, Montgomery, Moyle, Pierce, Roberts, Rush, Smith, Wright, and Yule—21.

NOES—Messrs. Burnell, Crane, Foulke, Hale, Leonard, Lovett, Porter, Redington, Shafter, and Shepard—10.

So the bill was laid on the table.

Assembly bill No. 59, an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress—considered as in Committee of the Whole, and reported back with amendments.

On concurring, the ayes and noes were demanded, by Messrs. Pierce, Evans, and Montgomery, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Haswell, Henry, Jones, Kutz, Leonard, Lovett, Maddox, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Yule—23.

NOES—Messrs. Benton, Cot, Evans, Montgomery, Pierce, Rush, and Wright—7.

So the amendments were concurred in.

Mr. Pierce moved to further amend the bill by striking out the word "Nevada" from section three, and adding the word "Nevada" after the words "Del Norte" in section four.

On the adoption of which, the ayes and noes were demanded, by Messrs. Shafter, Cunningham, and Roberts, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Hall, Leonard, Porter, Redington, and Shafter—10.

NOES—Messrs. Benton, Buckley, Cot, Evans, Freeman, Gaskill, Hale, Hamilton, Haswell, Heacock, Henry, Jones, Kutz, Lovett, Maddox, Montgomery, Moyle, Pierce, Roberts, Rush, Shepard, Tuttle, Wright, and Yule—24.

So the amendment was rejected.

The roll was then called on the indefinite postponement.

Indefinite postponement refused.

On ordering the bill read third time, the ayes and noes were demanded, by Messrs. Pierce, Evans, and Burnell, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Henry, Jones, Kutz, Leonard, Lovett, Maddox, Moyle, Roberts, Shafter, Shepard, Tuttle, Wright, and Yule—25.

NOES—Messrs. Evans, Freeman, Hamilton, Heacock, Montgomery, Pierce, Porter, Redington, and Rush—9.

So the bill was ordered read third time.

The bill was read third time, and passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:



Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 187, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 199, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 280, an Act to allow additional compensation to the Board of Supervisors of Nevada County;

Also, Senate bill No. 288, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one;

Also, Senate bill No. 244, an Act supplemental to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 259, an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty;

Also, Senate bill No. 103, an Act relating to appeals;

Also, Senate bill No. 329, an Act to legalize the levy of taxes in the County of Sacramento for the fiscal year commencing on the first Monday in March, eighteen hundred and sixty-four;

Also, Senate bill No. 311, an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight;

Also, Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County;

And, on this, the eighteenth day of March, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

On motion of Mr. Evans, at four o'clock and twenty minutes P. M., the Senate adjourned.

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#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Heacock moved a call of the Senate.

The motion prevailed.

Messrs. Gaskill, Redington, and Dodge made their appearance, and were excused.

Quorum present.

Mr. Henry was granted leave of absence for this evening, and to Mr. McMurtry, leave for two days; to Mr. Hartson, indefinite leave; and, to Messrs. Kutz and Cunningham, leave for one day.

Mr. Moyle offered a concurrent resolution relative to Senate bill No. 160.

Adopted.

#### SPECIAL FILE.

Assembly bill No. 249, an Act to provide for the funding the indebtedness of Tehama County.

On the adoption of Mr. Gaskill's amendment, striking out all after the enacting clause and inserting, the ayes and noes were demanded, by Messrs. Leonard, Dodge, and Montgomery, and taken, with the following result :

AYES—Messrs. Benton, Foulke, Gaskill, Hale, Hall, Haswell, Haskin, Jones, Maddox, Moyle, Roberts, Smith, Wright, and Yule—14.

NOES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Freeman, Hawes, Leonard, Montgomery, Redington, Rush, and Shepard—13.

So the amendment was adopted.

The question now being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Rush, Dodge, and Leonard, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Cunningham, Dodge, Freeman, Leonard, Montgomery, Pierce, Redington, Rush, and Shepard—11.

NOES—Messrs. Benton, Burnell, Cot, Foulke, Gaskill, Hale, Hall, Haswell, Heacock, Haskin, Jones, Moyle, Porter, Roberts, Shafter, Smith, Wright, and Yule—18.

So the motion was lost.

The bill was read third time.

On the passage, the ayes and noes were demanded, by Messrs. Rush, Pierce, and Freeman, and taken, with the following result :

AYES—Messrs. Benton, Cot, Foulke, Freeman, Gaskill, Hale, Hall, Haswell, Heacock, Haskin, Jones, Moyle, Porter, Roberts, Shafter, Smith, Wright, and Yule—18.

NOES—Messrs. Buckley, Cunningham, Dodge, Leonard, Montgomery, Pierce, Redington, Rush, and Shepard—9.

So the bill passed.

Mr. Freeman gave notice of a motion to reconsider the above vote.

Assembly bill No. 167, an Act to authorize the Board of Supervisors of Butte County to loan certain money—reading dispensed with, and the bill read third time, and passed.

Assembly bill No. 299, an Act to amend an Act passed May second, eighteen hundred and sixty-two, entitled an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of this State—considered, read third time, and passed.

Assembly bill No. 384, an Act to amend an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered, read third time, and passed.

Senate bill No. 341, an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other

judicial officers—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 342, an Act to authorize Andrew B. Forbes, his associates and assigns, to construct a wharf at Green Point, in the County of Alameda—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 318, an Act to grant the right to construct a turnpike road between the Town of Ione City, in Amador County, and Miller's Corral, in El Dorado County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 296, an Act to amend an Act to incorporate the Town of Downieville, approved March eighteenth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 272, an Act to grant to William Beale the right to construct a toll road from Arms' Store, in Sierra Valley, to the Junction House, on the Henness Pass Road, in the County of Sierra, and to collect toll thereon—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 351, an Act granting to certain parties the right to construct a wagon road in the County of Tulare—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 339, an Act granting further powers to the Board of Supervisors of the County of Sacramento—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 387, an Act to repeal an Act entitled an Act to authorize and empower the Board of Supervisors of Alameda County to improve the navigation of San Antonio Creek, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 290, an Act to provide for the election of Township Assessors in the County of Alameda—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 344, an Act to change the name of Frances Anne Blackwell to Frances Anne Hopper—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 321—returned to the file.

Assembly bill No. 376—returned to the file.

Assembly bill No. 299, an Act to confer certain powers on the Board of Supervisors of Sonoma County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 352, an Act to amend an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill read third time, and passed.

Senate bill No. 123, an Act authorizing the establishment and maintenance of a ferry between Vallejo and Mare Island—indefinitely postponed.



Assembly bill No. 232, an Act to grant to John N. Duddleston and his associates and assigns, the right to construct and maintain a toll road in Mono County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed, and the title amended.

Senate bill No. 293, an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma—read third time, and passed.

Senate bill No. 364, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Senate bill No. 354—returned to file.

Senate bill No. 370—returned to file.

Assembly bill No. 386, an Act concerning official fees in the County of Tehama—indeinitely postponed.

Assembly bill No. 389, an Act providing for the collection of taxes in San Francisco—referred to the San Francisco delegation.

Senate bill No. 172, an Act to authorize Thomas Cutter, D. M. Kenfield, John Sedgwick, and their associates and assigns, to construct and maintain a toll road in the County of Tuolumne—read third time, and passed.

Senate bill No. 355—returned to file.

Senate bill No. 332, an Act for the relief of the Burning Moscow Gold and Silver Mining Company—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 300—returned to file.

Senate bill No. 328, an Act concerning Common Schools in the City of Placerville—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 375, an Act providing for the sale of Swamp and Overflowed Lands in Alameda County—returned to file.

Assembly bill No. 312, an Act granting James L. Hall and his associates the right to lay down gas pipes in the Town of Brown's Valley, in Yuba County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 311—returned to the file.

Assembly bill No. 371, an Act supplementary and amendatory of an Act entitled an Act to amend an Act entitled an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, approved April thirteenth, A. D. eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 346, an Act to amend an Act changing the time of assessing the value of real and personal property, and collecting the taxes thereon, for State and county purposes in the County of Sierra,



approved April tenth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 222—returned to the file.

Senate bill No. 234—ordered transferred to the General File.

Senate bill No. 335, an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco—reading dispensed with, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 358, an Act to provide for the settlement of certain land claims within the City and County of San Francisco—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 314, an Act requiring the Tax Collector of the County of San Diego to collect all taxes levied and assessed on personal property in San Diego County, or be liable on his official bond for the same—returned to the file.

Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation—read third time.

On the passage, the ayes and noes were demanded, by Messrs. Crane, Foulke, and Hale, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Freeman, Gaskill, Hall, Hamilton, Haswell, Heacock, Haskin, Shepard, and Wright—11.

NOES—Messrs. Buckley, Cot, Crane, Dodge, Foulke, Hale, Hawes, Maddox, Moyle, Pierce, Porter, Redington, Rush, and Shafter—14.

So the passage of the bill was refused.

Mr. Gaskill gave notice that on to-morrow he would move to reconsider the above vote.

At ten o'clock P. M., on motion of Mr. Moyle, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 19th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Messrs. Roberts and Wright had leave to record their names as present at roll call.

Journal of yesterday read and approved.

Mr. Leonard, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three.

On motion of Mr. Burnell, the motion to reconsider was ordered placed at top of file for March twenty-second.

Mr. Lovett presented a petition of citizens of Monterey County, remonstrating against the passage of a certain bill.

Referred to the Monterey delegation.

#### REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 312, an Act to amend an Act entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty, have had the same under consideration, and report the same back without amendment, and recommend its passage.

SMITH, Chairman.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 291, an Act to amend an Act concerning hogs found running at large in certain counties in this State, have had the same under consideration, beg leave to report it back, and recommend its passage.

MEYERS, Chairman.

Mr. Haswell, Chairman of the Committee on State Hospitals, made the following report:

MR. PRESIDENT:—Your Committee on State Hospitals, to whom was referred Assembly bill No. 140, an Act for the preservation of the public health, have had the same under consideration, and would beg leave to report it back with an amendment, without recommendation.

HASWELL,  
BUCKLEY,  
MEYERS,  
EVANS,  
YULE.

Mr. Yule verbally reported back Assembly bill No. 283, an Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two, and recommended its passage.

The above bill was taken up, rules suspended, read third time, and passed.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 330, an Act to improve the navigation of the Mokelumne River, considering from information furnished to the committee, that the grant sought is one which may be made without prejudice to any interest, and may prove of benefit to the public, your committee would recommend the passage of the bill, with an amendment to section six, by inserting after "shall not," in first line, the words "three years."

PORTER, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 18th, 1864. }

MR. PRESIDENT:—The Assembly, on the seventeenth instant, passed Assembly bill No. 261, an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon;

Also, on the fifteenth instant, passed Assembly bill No. 289, an Act to amend an Act concerning grand and trial jurors, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, on the fourteenth instant, passed Assembly bill No. 307, an Act to establish police regulations for the harbor of the City and County of San Francisco, and to authorize and empower the Board of Supervisors to regulate the same;

Also, on the fifteenth instant, passed Assembly bill No. 350, an Act to provide for the support of the privilege of free suffrage during the continuance of the war;

Also, same day, passed Assembly bill No. 348, an Act to change the name of Charles Erastus Coy to Charles Lyman Snow;

Also, same day, passed Assembly bill No. 352, an Act amendatory of and supplemental to an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, same day, passed Assembly bill No. 364, an Act concerning moneys deposited in Courts of record in this State;

Also, same day, passed Assembly bill No. 377, an Act supplemental to an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four;

Also, same day, passed Assembly bill No. 380, an Act to fix the time of holding the County Courts and Probate Courts in the Counties of Shasta and Mendocino;

Also, this day, adopted Assembly concurrent resolution No. 39, relative to Assembly bill No. 216;

Also, on the fifteenth instant, passed Assembly bill No. 298, an Act to amend an Act supplementary to an Act to amend an Act to prevent the trespassing of animals upon private property, approved the seventeenth day of May, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, on the seventeenth instant, indefinitely postponed Senate bill No. 72, an Act to provide for the collection of certain moneys due this State;

Also, this day, concurred in Senate concurrent resolution No. 28, relative to payment of certain claims;

Also, this day, passed Senate bill No. 363, an Act to authorize the Board of Supervisors of Placer County to appropriate money from the General Fund of said county;

Also, on the eighteenth instant, passed Assembly bill No. 405, an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 405, above reported, was read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 350, above reported, was read first and second times, and referred to the Committee on Elections.

Assembly bill No. 348, above reported, was read first and second times, and referred to the Committee on Internal Improvements.

Assembly bill No. 261, above reported, was read first and second times, and placed on file.

Assembly bill No. 307, above reported, was read first and second times, and placed on file.

Assembly bill No. 380, above reported, was read first and second times, and placed on file.

Assembly bill No. 289, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 364, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 377, above reported, was read first and second times, and referred to the Santa Barbara delegation.

Assembly bill No. 352, above reported, was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 398, above reported, was read first and second times, and on motion of Mr. Yule, referred to a special committee of three.

The President appointed as said committee, Messrs. Yule, Wright, and Leonard.

Senate concurred in Assembly concurrent resolution No. 39, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hawes, for an Act supplementary to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, the bill considered engrossed, read third time, and passed.

Mr. Benton gave notice of a motion to reconsider the above vote.

By Mr. Lovett, for an Act to extend the time for the collection of taxes in Monterey County.

Read first and second times, and referred to the Finance Committee.

On motion of Mr. Smith, the invitation of the President of the Central Pacific Railroad, received on yesterday, was accepted.



Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 267, an Act providing for the time of holding the County and Probate Courts in the Counties of Alameda and Napa;

Also, Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road.

Also, Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City;

Also, Senate bill No. 301, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Senate bill No. 315, an Act in relation to the Superintendent of Common Schools in San Diego County;

Also, Senate bill No. 316, an Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego;

Also, Senate bill No. 319, an Act to appropriate money to pay the claim of J. F. Hall;

Also, Senate bill No. 320, an Act to appropriate money to pay the claim of I. & S. Wormser, assignees of T. A. Levison;

Also, Senate bill No. 324, an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

ROBERTS, Chairman.

Pursuant to notice, Mr. Gaskill moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of the Honorable William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation.

Motion to reconsider was ordered to top of file for Tuesday evening, March twenty-second.

Mr. Porter moved that when the Senate adjourn it be to meet this evening, at seven o'clock.

On which, the ayes and noes were demanded, by Messrs. Wright, Shafter, and Crane, and taken, with the following result:

AYES—Messrs. Crane, Dodge, Foulke, Freeman, Hawes, Kutz, Maddox, Porter, Redington, Roberts, Shafter, Tuttle, Wright, and Yule—14.

NOES—Messrs. Benton, Buckley, Burnell, Cunningham, Evans, Gaskill, Hamilton, Haswell, Heacock, Henry, Leonard, Meyers, Montgomery, Pierce, Rush, Shepard, and Smith—17.

So the motion was lost.

A motion to take Senate bill No. 163 from the top of the file, and place it at top of the file for Tuesday, March twenty-second, was lost.

Mr. Smith moved the Senate now adjourn.

On which, the ayes and noes were demanded, by Messrs. Dodge, Benton, and Shafter, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Evans, Foulke, Hall, Heacock, Kutz,

Leonard, Maddox, Meyers, Montgomery, Pierce, Shepard, Smith, Tuttle, and Wright—16.

NOES—Messrs. Benton, Crane, Cunningham, Dodge, Freeman, Gaskill, Hamilton, Haswell, Hawes, Henry, Porter, Redington, Roberts, Rush, Shafter, and Yule—16.

So the motion was lost.

Mr. Freeman withdrew his notice to reconsider the vote by which the Senate on yesterday passed Assembly bill No. 249, and had leave to record his vote in the negative on the passage.

Mr. Yule moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Crane, Henry, and Roberts, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Evans, Freeman, Hall, Haswell, Heacock, Kutz, Leonard, Maddox, Meyers, Montgomery, Pierce, Shepard, Smith, Tuttle, Wright, and Yule—19.

NOES—Messrs. Crane, Cunningham, Dodge, Gaskill, Hamilton, Henry, Porter, Redington, Roberts, Rush, and Shafter—11.

So at twelve o'clock and ten minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 21st, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Charlton.

Messrs. Cunningham and Lovett had leave to record their names as present at roll call.

Leave of absence for three days was granted to Mr. Jones, and to Messrs. Hale and Moyle leave for one day.

Journal of Saturday last read and approved.

## PETITIONS.

Mr. Roberts presented a petition of citizens of Nevada County, asking the passage of an Act empowering the county to levy a tax for railroad purposes.

Laid on the table.

Mr. Dodge presented a petition of Rodman Gibbons, asking the right to build a wharf.

Referred to the Committee on Commerce and Navigation.

On motion of Mr. Benton, his notice to reconsider the vote by which

the Senate on Saturday last passed Senate bill No. 385, was made the special order for Tuesday, March twenty-second, at eleven o'clock and thirty minutes A. M.

Mr. Lovett presented a petition of citizens of Monterey County, remonstrating against the passage of the bill granting the Board of Supervisors of said county the authority to issue certain bonds.

Referred to the Monterey delegation.

#### REPORTS.

Mr. Pierce made a minority report from the Committee on Elections, to whom was referred Senate bill No. 275, an Act relating to elections held by political parties or associations.

[For report, see Appendix.]

Mr. Evans made the following report :

Mr. PRESIDENT :—Your special committee, to whom was referred Assembly bill No. 300, an Act to provide for ascertaining the amount of fees paid to certain officers, report the same back with amendments, and recommend the passage of the bill as amended.

EVANS, for Committee.

Assembly bill No. 300, above reported, was taken up under a suspension of the rules, the committee amendments adopted, bill read third time, and passed.

Mr. Smith made the following report :

Mr. PRESIDENT :—Your special committee, to whom was referred Senate bill No. 221, an Act to regulate interest on money, report the same back without recommendation.

SMITH, for Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 19th, 1864. }

Mr. PRESIDENT :—The Assembly, on the eighteenth instant, passed Senate bill No. 61, an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three ;

Also, same day, passed Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two ;

Also, same day, passed Senate bill No. 156, an Act for the relief of Isaac T. Baker, Tax Collector of District Number Four, in and for Tuolumne County ;

Also, same day, passed Senate bill No. 224, an Act to grant to Moses F. Hoyt and his associates the right to construct a toll road and bridge in Nevada County ;

Also, same day, passed Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two ;

Also, same day, passed Senate bill No. 283, an Act to regulate fees in the County of Fresno;

Also, same day, passed Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, same day passed Senate bill No. 284, an Act to fix the compensation of the District Attorney for the County of Fresno;

Also, same day, passed Senate bill No. 127, an Act amendatory of the Act regulating proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same;

Also, same day, amended and passed Senate bill No. 173, an Act to appropriate money to pay the claims of John Byrnes and others for material furnished and labor performed in fitting up the Supreme Court rooms, Judges' chambers, and Clerk's office;

Also, same day, amended and passed Senate bill No. 269, an Act to prevent hogs running at large in certain counties of this State:

Also, same day, indefinitely postponed Senate bill No. 192, an Act concerning the office of Auditor of the County of Sacramento.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate concurred in Assembly amendments to Senate bill No. 173, above reported.

Senate concurred in Assembly amendments to Senate bill No. 269, above reported.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts, for an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds.

Read first and second times, ordered to top of file for Saturday, March twenty-sixth, eighteen hundred and sixty-four, and the usual number of copies ordered printed.

By Mr. Dodge, for an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Shafter, for an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Smith, for an Act to change the names of Amasa Maurice Craig and Laura Craig.



Read first and second times, rules suspended, reading dispensed with, considered engrossed, read third time, and passed.

By Mr. Evans, for an Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Yule, for an Act conferring certain powers on the Board of Supervisors of Placer County.

Read first and second times, and referred to the Placer delegation.

On motion of Mr. Cunningham, Senate bill No. 345 was taken from the file, and recommitted to the Finance Committee.

On motion of Mr. Gaskill, Senate bill No. 305 was taken from the file, and ordered to top of the file for Wednesday, March twenty-third.

Mr. Gaskill presented two documents relating to the above bill, and moved that they be ordered printed.

Mr. Roberts moved to amend the motion to print, by ordering printed, also, the testimony taken before the Committee of Investigation.

On the adoption of the amendment, the ayes and noes were demanded, by Messrs. Wright, Benton, and Buckley, and taken, with the following result:

AYES—Messrs. Cot, Crane, Cunningham, Dodge, Foulke, Hall, Heacock, Kutz, Lovett, Montgomery, Pierce, Redington, Roberts, Rush, Tuttle, and Yule—16.

NOES—Messrs. Benton, Buckley, Burnell, Gaskill, Hamilton, Hawes, Maddox, Porter, Shafter, Shepard, Smith, and Wright—12.

So the amendment was adopted.

The motion as amended was lost.

#### GENERAL FILE.

Senate bill No. 163, an Act concerning the rates of fare on street railroads in the City and County of San Francisco.

The question being on the indefinite postponement of the bill—

Mr. Shafter moved to amend by striking out the body of section first, and inserting:

“All the railroad companies whose railroads are located within the City and County of San Francisco, shall provide their Clerks and Conductors with tickets representing and entitling the holder to one passage upon said road. Upon demand, said Clerks, Conductors, and companies shall furnish to any person five of such tickets for twenty-six cents, ten for fifty-one cents, twenty for one dollar and two cents, and upon failure or refusal so to do by said companies, Clerks, or (Conductors), said companies shall be liable to a penalty of twenty dollars, to be sued for and recovered by any person, for his own use, with costs, in any Court of competent jurisdiction.”

The amendment was adopted.

On the indefinite postponement of the bill, the ayes and noes were

demand, by Messrs. Redington, Smith, and Dodge, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hawes, Heacock, Henry, Haskin, Kutz, Lovett, Porter, Redington, Roberts, Rush, Shafter, Shepard, Smith, Wright, and Yule—27.

NOES—Messrs. Benton, Leonard, and Pierce—3.

So the bill was indefinitely postponed.

Mr. Smith gave notice of a motion to reconsider the above vote.

Assembly bill No. 304, an Act to amend section nineteen of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Cot, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 110, an Act authorizing the Board of Supervisors of Sierra County to provide for the construction of certain wagon roads in Sierra County ;

Also, Senate bill No. 331, an Act repealing an Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of county taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven ;

Also, Senate bill No. 317, an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, Senate bill No. 330, an Act to provide for the liquidation of the indebtedness of the City of Sacramento which accrued prior to January first, eighteen hundred and fifty-nine ;

And this day, March twenty-first, eighteen hundred and sixty-four, at twelve o'clock, M., delivered the same to the Governor for his approval.

COT, for Committee.

Mr. Evans, Chairman of the Committee on Military Affairs, made the following report :

Mr. PRESIDENT :—The Committee on Military Affairs, to whom was referred Senate bill No. 325, an Act to amend an Act entitled an Act in relation to the militia of this State, passed April twenty-fourth, eighteen hundred and sixty-two, having carefully considered the same, report the bill back, and recommend its indefinite postponement.

EVANS, Chairman.

#### GENERAL FILE RESUMED.

Senate bill No. 179, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 249, an Act entitled an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, amended April thirtieth, eighteen hundred and fifty-two—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 249, an Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 189, an Act to amend an Act entitled an Act in relation to liens of mechanics and others, passed April twenty-sixth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 180, an Act to regulate proceedings and motions for new trials, or in arrest of judgment, and on appeal, in criminal cases in Justices', Recorders', Mayors', and Police Officers' Courts—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 310, an Act to repeal an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Assembly bill No. 322, an Act to provide for taking the State census—considered as in Committee of the Whole, reported back without amendment, and laid on the table.

Senate bill No. 74, an Act to provide for the enumeration of the inhabitants of the State of California—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

Mr. Hawes moved to further amend as follows:

"SECTION 8. The census enumeration of inhabitants and statistics required to be taken in the several counties in pursuance of this Act, shall be taken and reported by the County Assessor in counties where the Board of Supervisors shall so appoint, in which case his compensation for such service shall be fixed, by the said Board, according to the labor performed, and shall not exceed one fourth the amount of his compensation for all duties in the assessment of property for the same year."

Mr. Hale moved to amend, by striking out the words "one fourth," in line ten.

Mr. Burnell moved that Assembly bill No. 322, be taken from the table for reference.

The motion prevailed.

On the motion to refer the above bill and Senate bill No. 74 to a special committee, with instructions to report the same back to-morrow, the ayes and noes were demanded, by Messrs. Wright, Kutz, and Crane, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Cunningham, Dodge, Evans, Freeman,

Hale, Hall, Hawes, Henry, Haskin, Kutz, Maddox, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, and Tuttle—21.

NOES—Messrs. Benton, Crane, Foulke, Gaskill, Hamilton, Heacock, Leonard, Wright, and Yule—9.

So the bills were so referred.

The President appointed as such committee, Messrs. Burnell, Hawes, and Crane.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Kutz, Roberts, and Pierce, and taken, with the following result :

AYES—Messrs. Cot, Evans, Freeman, Gaskill, Hall, Hamilton, Henry, Haskin, Leonard, Maddox, Rush, Shepard, Tuttle, and Wright—14.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Foulke, Hale, Haswell, Hawes, Heacock, Kutz, Pierce, Porter, Redington, Roberts, Shafter, and Yule—17.

So the motion was lost.

On motion of Mr. Gaskill, Senate bill No. 368, an Act concerning corporations, was taken from its regular order on the file and read third time.

On its final passage, the ayes and noes were demanded, by Messrs. Pierce, Hale, and Roberts, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Haswell, Heacock, Haskin, Kutz, Leonard, Maddox, Redington, Rush, Shafter, and Yule—19.

NOES—Messrs. Evans, Hale, Hamilton, Hawes, Pierce, Roberts, Shepard, and Tuttle—8.

So the bill passed.

Mr. Evans offered the following resolution :

*Resolved*, That from and after this date the Senate, at its evening sessions, shall, when the consideration of the Special and Local File shall have been finished, take up and consider the General File.

Adopted.

Mr. Hale made the following report :

Mr. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 237, have had the same under consideration, and herewith report the same back, with amendments, and recommend its passage as amended.

All of which is respectfully submitted.

HALE,  
YULE.

Assembly bill No. 237, above reported, was taken up, considered as in Committee of the Whole, and read third time, and passed.

Assembly bill No. 361, an Act to provide for furnishing in printed form the poll and tally list papers for election returns—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 169, an Act concerning assessments upon the stock of



corporations—amended by unanimous consent, read third time, and passed.

Senate bill No. 248, an Act to amend an Act passed April second, eighteen hundred and fifty-five, entitled an Act to suppress houses of ill fame—read third time, and passed.

Senate bill No. 120, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—read third time, and passed.

Mr. Kutz moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Yule, Dodge, and Kutz, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Cunningham, Evans, Gaskill, Hall, Hamilton, Haskin, Kutz, Lovett, Pierce, Rush, Shepard, Smith, and Tuttle—15.

NOES—Messrs. Benton, Burnell, Crane, Dodge, Hale, Haswell, Hawes, Heacock, Maddox, Montgomery, Porter, Redington, Roberts, Shafter, Wright, and Yule—16.

So the motion was lost.

Senate bill No. 236—returned to the file.

Senate bill No. 122—ordered to top of the file for Wednesday, March twenty-third, eighteen hundred and sixty-four.

Senate bill No. 323, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one—indefinitely postponed.

Senate bill No. 308, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—indefinitely postponed.

Senate bill No. 333, an Act to regulate metallurgic works and manufactories of acids—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, bill read third time, and passed.

On motion of Mr. Smith, at five o'clock P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 22d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.  
Journal of yesterday read and approved.

# REPORTS.

Mr. Meyers presented a report from the Hospital Committee.  
Ordered printed.

[For report, see Appendix.]

Mr. Kutz, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and find correctly engrossed, Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, Senate bill No. 293, an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 299, an Act to confer certain powers on the Board of Supervisors of Sonoma County;

Also, Senate bill No. 318, an Act to grant the right to construct a turn-pike road between the Town of Lone City, Amador County, and Miller's Corral, in El Dorado County;

Also, Senate bill No. 332, an Act for the relief of the Burning Moscow Gold and Silver Mining Company;

Also, Senate bill No. 335, an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco;

Also, Senate bill No. 342, an Act to authorize Andrew B. Forbes, his associates and assigns, to construct a wharf at Green Point, in the County of Alameda;

Also, Senate bill No. 351, an Act granting to certain parties the right to construct a wagon road in the County of Tulare;

Also, Senate bill No. 352, an Act to amend an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two;

Also, Senate bill No. 364, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 381, an Act to change the name of Andrew Smith to Andrew Hallidie.

KUTZ, for Committee.

Mr. Shafter, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 365, an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at Point San Quentin for State Prison purposes, having had the same under consideration, report it back, and recommend its passage;

Also, Senate bill No. 356, an Act supplementary to an Act entitled an Act for the better protection of the State Treasury, passed April sixteenth, eighteen hundred and fifty-six, report it back amended, and recommend its passage as amended;

Also, Senate bill No. 359, an Act to amend section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, report it back, and recommend its passage;

Also, Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco, report it back amended, and recommend its passage as amended;

Also, Assembly bill No. 347, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-eighth, eighteen hundred and fifty, and May fifteenth, eighteen hundred and fifty-four, report it back, and recommend its passage;

Also, Assembly bill No. 289, an Act to amend an Act concerning grand and trial jurors, passed April twenty-seventh, eighteen hundred and sixty-three, report it back, and recommend its passage;

Also, Assembly bill No. 279, an Act supplementary to and amendatory of the Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one, report it back amended, and recommend its passage as amended;

Also, Senate bill No. 243, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, report a substitute for the same, and recommend the passage of the substitute;

Also, claim of one hundred and four dollars and sixteen cents, State of California vs. Garret Tracy, report the same back, and recommend the claim be rejected.

SHAFTER, for Committee.

Mr. Maddox, Chairman of the Committee on Public Morals, made the following report:

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Assembly bill No. 288, an Act amendatory of an Act entitled an Act to regulate marriages, passed April twenty-second, eighteen hundred and fifty, having had the same under consideration, report it back to the Senate, and recommend that it do not pass.

MADDOX, Chairman.

Mr. McMurtry, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 318, an Act to change the name of Charles Erastus Coy to Charles Lyman Snow, report the same back, and recommend its passage.

McMURTRY, Chairman.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined, and found correct, the following bills:

James L. English.....	\$110 00
Mrs. T. M. Tilden.....	40 00
Richard Stuart.....	4 25
Humboldt Times.....	12 00
Total.....	\$166 25

*Resolved*, That the Controller of State be and is hereby required to draw his warrant in favor of the above parties for the several amounts specified, payable out of the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 361, an Act to fix the compensation of officers, and to provide for funding the floating debt of the County of Santa Barbara, and to prohibit the contracting of any new indebtedness against said county, report the same back, and recommend its passage as amended ;

Also, Senate bill No. 386, an Act to extend the time for the collection of taxes in Monterey County, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

Mr. Yule made the following report :

MR. PRESIDENT :—The special committee, to whom was referred Assembly bill No. 398, have had the same under consideration, and report it back, and recommend its passage.

YULE, for Committee.

Mr. Shafter made the following report :

MR. PRESIDENT :—The special committee, to whom was referred Senate bill No. 362, have had the same under consideration, and report the same back with amendments, and recommend the passage of the bill as amended.

SHAFTER, for Committee.

Senate bill No. 362, above reported, was made the special order for to-day, at two o'clock P. M.

Mr. Hawes made the following report :

MR. PRESIDENT :—The select committee, to whom was referred Senate bill No. 74, an Act to provide for the enumeration of the inhabitants of the State of California, and Assembly bill No. 322, an Act to provide for



taking the State census, have had the same under consideration, and finding that the two bills have substantially the same object, and believing that the Assembly bill, with certain amendments which they have agreed on, will more effectually accomplish the object with the least expense to the State, beg leave to report the two bills back, and recommend the passage of the Assembly bill as amended.

BURNEILL,  
HAWES,  
CRANE,  
Committee.

Assembly bill No. 322, above reported, was ordered to top of the file for to-day.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 21st, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 280, an Act to allow additional compensation to the Board of Supervisors of Nevada County ;

Also, Senate bill No. 199, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, Senate bill No. 288, an Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one ;

Also, Senate bill No. 329, an Act to legalize the levy of taxes in the County of Sacramento for the fiscal year commencing on the first Monday of March, A. D. eighteen hundred and sixty-four ;

Also, Senate bill No. 259, an Act to amend an Act entitled an Act concerning the duties of County Clerk, passed April eighteenth, eighteen hundred and fifty ;

Also, Senate bill No. 311, an Act supplementary to an Act concerning the office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight ;

Also, Senate bill No. 139, an Act to re-district the City and County of San Francisco.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 21st, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County.

It seems to have become a settled principle in legislation in this State—which in many cases is undoubtedly proper and for the best interests of the people—that general laws shall apply only to certain counties. The Act under consideration goes further, and extends the provisions of a general law to a single township in a county.

The boundaries, extent, number, and location of townships being under the control of the Supervisors of the several counties, subject to alteration from year to year, it seems to me that it is unwise for the Legislature to pass any Acts which cannot be defined in their operation to a certain extent of territory.

If this species of legislation be sanctioned and approved of, it might be well to consider whether it would not be well to abolish all city and county governments, and intrust the management of all local concerns to the Legislature.

Believing that no substantial good will result from the enactment of bills of this character, and that it is a bad system to inaugurate, I must decline to sign the bill.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 21st, 1864. }

*To the Senate of the State of California:*

I herewith return, without my approval, Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company.

The bill proposes to grant to the company mentioned in the title the right of way, with the *exclusive* right to construct and maintain for the period of twenty-five years, a drainage, tunnel, etc.

The policy of the State and of the United States from the date when minerals were discovered up to the present time, has been to leave the mineral lands open, to be worked by all who chose to do so, subject only to such local rules and regulations as the miners in the several localities might make. This policy has been approved of by the great majority of the people of this State as the one best calculated to develop our mineral wealth. Any proposition looking to the sale or lease of the mineral lands has not been looked upon with favor. I concur in the policy that has hitherto prevailed, believing it to be unwise to so tie up the mineral lands by sale or lease that it will be optional with the owners or lessees whether the mines be worked or not. I would regret to see any change made the tendency of which would be to give the control of our mineral lands to capitalists in Europe or elsewhere. Entertaining, as I do, such opinions as to the policy of the United States regarding the mines, I cannot sanction any action taken by the State, which in effect would do that which we would regret if done by the United States. The system once inaugurated of granting exclusive privileges by special acts to companies engaged in any way in mining operations, the Legislature would be flooded with applications of a similar nature; and it is doubtful if each would not possess merits peculiar to itself and apparently sufficient to warrant the Legislature in granting it, until at length the most valuable mineral lands would be owned or controlled by these corporations.

So far as I know, the general laws of the State and the customs of miners have given ample power and protection for the building of ditches, drainage, tunnels, etc.; and until it shall be deemed advisable to change the course which the State has seen fit to pursue hitherto, I must decline to give my official sanction to any bill of the character of the one under consideration.

FRED'K F. LOW,  
Governor.

The above messages, together with the bills, were ordered to top of the file for to-morrow, March twenty-third.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 21st, 1864. }

Mr. PRESIDENT:—The Assembly, on the nineteenth instant, receded from its fourth amendment to Senate bill No. 150;

Also, same day, concurred in Senate concurrent resolution No. 29, relative to Senate bill No. 160;

Also, same day, passed Senate bill No. 216, an Act in relation to the Recorder of the City of Petaluma;

Also, on the fifteenth instant, passed Assembly bill No. 338, an Act concerning jurors in Plumas County;

Also, same day, passed Assembly bill No. 373, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and sixty-one;

Also, on the sixteenth instant, passed Assembly bill No. 383, an Act to grant the right to construct a turnpike road between Forest Hill and Grasshopper Ranch, with branches thereto, and to establish and maintain a bridge thereon, to J. L. Sanborn, his associates and assigns;

Also, same day, passed Assembly bill No. 403, an Act to fix the amount of the official bonds of the county officers in and for the County of Klamath;

Also, same day, passed Assembly bill No. 409, an Act concerning fences in Tuolumne County;

Also, nineteenth instant, passed Assembly bill No. 104, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, sixteenth instant, passed Assembly bill No. 294, an Act to provide for the publication and distribution of the annual reports of the State officers;

Also, eighteenth instant, passed Assembly bill No. 374, an Act to amend an Act entitled an Act to authorize the sale of certain real estate by Guardians, approved April tenth, eighteen hundred and sixty;

Also, same day, passed Assembly bill No. 391, an Act authorizing Samuel Brannan to convey certain lands for cemetery purposes in the City and County of Sacramento;

Also, this day, amended and passed Senate bill No. 203, an Act to provide for the erection of a Jail and the repairs of the Court-house in the County of Alameda;

Also, this day, passed Senate bill No. 337, an Act to authorize the Board of State Harbor Commissioners to employ Counsel in San Francisco.

R. H. DALY,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate concurred in Assembly amendment to Senate bill No. 203, above reported.

Senate concurred in Assembly amendment to Senate bill No. 327, above reported.

Assembly bill No. 391, above reported, read first and second times, and placed on file.

Assembly bill No. 403, above reported, read first and second times, and placed on file.

Assembly bill No. 374, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 373, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 338, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 294, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 104, above reported, read first and second times, and referred to special committee of three, already appointed.

Assembly bill No. 409, above reported, read first and second times, and referred to the Tuolumne delegation.

Assembly bill No. 383, above reported, read first and second times, and referred to the Placer delegation.

On motion of Mr. Freeman, Senate bill No. 348 was taken from the file, and referred to the Tulare and Tuolumne delegations.

#### SPECIAL ORDER.

Senate bill No. 385, an Act supplementary to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

The question being to reconsider the vote by which the bill was passed, the ayes and noes were demanded, by Messrs. Hawes, Gaskill, and Freeman, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Evans, Freeman, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Leonard, Lovett, McMurtry, Montgomery, Roberts, Rush, Smith, Tuttle and Yule—21.

NOES—Messrs. Buckley, Cot, Dodge, Foulke, Gaskill, Hale, Hawes, Kutz, Maddox, Meyers, Pierce, Porter, Redington, Shafter, Shepard, and Wright—16.

So the vote was reconsidered.

On the motion of Mr. Smith, the vote by which the bill was ordered engrossed was reconsidered, and the bill amended.

On the motion to strike out section two of the bill, the ayes and noes were demanded, by Messrs. Hawes, Benton, and Gaskill, and taken, with the following result:

AYES—Messrs. Benton, Evans, Hall, Hamilton, Hartson, Haswell, Henry, Haskin, Leonard, Lovett, Smith, and Yule—12.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hawes, Kutz, Maddox, McMurtry, Montgomery, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, and Wright—22.

So the motion to strike out was lost.



On the motion to suspend the rules and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Hawes, Kutz, and Foulke, and taken with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Foulke, Gaskill, Hale, Hawes, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Shepard, and Wright—21.

NOES—Messrs. Benton, Crane, Evans, Freeman, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Lovett, Montgomery, Rush, Smith, and Yule—16.

So the motion was lost.

The bill was ordered engrossed and read third time, and passed.

Mr. Porter spoke to a question of privilege.

#### GENERAL FILE.

Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three.

The question being on the motion to reconsider the vote by which the bill was passed—

The motion to reconsider was carried.

The bill was referred to a special committee, with instructions to report on Thursday next.

The President appointed as such committee, Messrs. Lovett, Wright, and Moyle.

Assembly bill No. 322—ordered to top of file for Thursday, March twenty-fourth, eighteen hundred and sixty-four.

Assembly bill No. 287, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

Mr. Roberts moved to strike out of line thirteen, section one, the word "duplicate," and insert in place thereof the words "certified copy."

The amendment was lost.

The bill was indefinitely postponed.

Senate bill No. 222, an Act to provide for continuing the survey of the eastern boundary of the State of California—indefinitely postponed.

Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Pending the consideration of the above bill the hour arrived for taking up the

#### SPECIAL ORDER.

Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Crane moved to further amend the bill by striking out all after the enacting clause and inserting,

On the adoption of which, the ayes and noes were demanded, by

Messrs. Crane, Haswell, and Gaskill, and taken, with the following result:

AYES—Messrs. Cot, Crane, Evans, Freeman, Hamilton, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Shepard, and Smith—13.

NOES—Messrs. Benton, Burnell, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Haskin, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Wright, and Yule—24.

So the amendment was rejected.

Mr. Pierce moved to amend as follows: add to section four the following:

“And said grant to said company is made upon the further express condition and consideration that said company shall procure, transport, and convey over their said road, and deliver, free of charge, at some point within the corporate limits of the City of Sacramento, to be selected by the Controller of State, at least five tons of gravel, sand, or earth per day, for and during the term of four years from and after the passage of this Act; such gravel, sand, or earth to be used in raising, filling up, and elevating the Capitol grounds.”

The amendment was rejected.

Mr. Hawes moved to amend by adding to section six as follows:

“The Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Yule, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Evans, Foulke, Freeman, Hale, Hamilton, Hawes, Henry, Haskin, Lovett, Maddox, McMurtry, Montgomery, Pierce, Roberts, Rush, Smith, and Wright—20.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Gaskill, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, Meyers, Moyle, Porter, Redington, Shafter, Shepard, and Yule—18.

So the amendment was adopted.

Mr. Cunningham offered the following amendment:

Amend section two by inserting after the word “time,” in line ten of printed bill, the words “for said period of twenty years.”

The amendment was adopted.

Mr. Hale moved to amend section one by adding the following:

“*Provided*, that said bonds shall contain an express condition that the Counties of Placer and Sacramento and the City and County of San Francisco shall be exempt from all liability as stockholders for the payment of the principal or interest upon all said bonds over and above the

stock of said counties heretofore subscribed to the capital stock of said company."

On the adoption of which, the ayes and noes were demanded, by Messrs. Wright, Henry, and Buckley, and taken, with the following result:

**AYES**—Messrs. Benton, Buckley, Burnell, Cot, Crane, Evans, Freeman, Hale, Hamilton, Hawes, Henry, Haskin, Lovett, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Rush, Shafter, and Smith—22.

**NOES**—Messrs. Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, Montgomery, Redington, Roberts, Shepard, Wright, and Yule—16.

So the amendment was adopted.

Mr. Hawes offered the following amendment in continuation of section six:

"The Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-second, eighteen hundred and sixty-three, is hereby repealed so far as the same authorizes any subscription by the said city and county to the capital stock of the Central Pacific Railroad Company or the incurring any liability relating thereto."

On the adoption of which, the ayes and noes were demanded, by Messrs. Wright, Yule, and Buckley, and taken, with the following result:

**AYES**—Messrs. Buckley, Cot, Crane, Evans, Freeman, Hamilton, Hawes, Henry, Lovett, Montgomery, and Pierce—11.

**NOES**—Messrs. Benton, Burnell, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Haskin, Kutz, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Wright, and Yule—26.

So the amendment was rejected.

On motion to suspend the rules, consider the bill engrossed, and place it upon its third reading now, the ayes and noes were demanded, by Messrs. Benton, Pierce, and Haswell, and taken, with the following result:

**AYES**—Messrs. Buckley, Burnell, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, Meyers, Porter, Redington, Roberts, Shafter, Shepard, and Yule—19.

**NOES**—Messrs. Benton, Cot, Crane, Evans, Freeman, Hale, Hamilton, Hawes, Henry, Haskin, Lovett, Maddox, McMurtry, Montgomery, Moyle, Pierce, Rush, Smith, and Wright—19.

So the motion was lost.

Mr. Hale moved to recommit to a special committee, with special instructions.

The Chair decided the motion, at this stage of the bill, out of order.

Mr. Evans appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Evans, Benton, and Wright, and taken, with the following result:

AYES—Messrs. Freeman, Gaskill, Hartson, and Yule—4.

NOES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Hale, Hall, Hamilton, Haswell, Hawes, Henry, Haskin, Lovett, Maddox, McMurtry, Myers, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, Smith, and Wright—29.

So the Chair was not sustained.

The instructions proposed by Mr. Hale were:

"To so amend the bill as to require the submission of the proposition of the appropriation of money, and the levy of the tax provided for in the bill, to the vote of the people of the State at the general election in the year A. D. eighteen hundred and sixty-four, and that the Act shall depend upon the result of such popular vote."

The special orders for to-day at two o'clock P. M., were, on motion, continued.

Mr. Pierce moved that the Senate do now adjourn until to-morrow.

On which, the ayes and noes were demanded, by Messrs. Dodge, Rush, and Burnell, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Evans, Freeman, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Leonard, Lovett, Meyers, Montgomery, Moyle, Pierce, Porter, Shafter, Shepard, Smith, and Wright—24.

NOES—Messrs. Benton, Foulke, Kutz, Maddox, McMurtry, Redington, Roberts, and Yule—8.

So at five o'clock and thirty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 23d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Reverend Mr. Dwinelle.

Journal of yesterday read, corrected, and approved.



## REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 224, an Act to grant to Moses F. Hoit and his associates the right to construct a toll road and bridge in Nevada County;

Also, Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 186, an Act amendatory of and supplementary to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 215, an Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two;

Also, Senate bill No. 105, an Act to grant the right to construct a turnpike road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County;

Also, Senate bill No. 350, an Act to regulate the time for holding the terms and sessions of the County Court, Probate Court, and the Board of Supervisors of the County of San Mateo;

Also, Senate bill No. 61, an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two;

Also, Senate bill No. 283, an Act to regulate fees in the County of Fresno;

And, on this twenty-second day of March, A. D. eighteen hundred and sixty-four, at two o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Porter, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 390, an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco County, have duly considered and report the same back with amendments, and recommend the adoption of the amendments and passage of the bill.

PORTER, Chairman.

Mr. Evans made a verbal report, recommending the passage of Assembly bill No. 409, an Act concerning fences in Tuolumne County.

Mr. Evans made the following report:

Mr. PRESIDENT:—The delegation to whom was referred Senate bill No. 348, an Act to create the County of Coso, to define its boundaries, and to provide for its organization, have had the same under consideration and beg leave to report the bill back with the accompanying amendments, and recommend its passage as amended.

EVANS, for Delegation.

Senate bill No. 348, above reported, was taken up under a suspension of the rules, the amendments recommended by the delegation were adopted, the reading dispensed with, rules further suspended, the bill considered engrossed, read third time, and passed.

Mr. Hawes made the following report :

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 140, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company of California, having had the same under consideration, beg leave to report the same back, and recommend the passage of the bill without amendment ;

They have also had under consideration Senate bill No. 391, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board, which was also referred to them, and beg leave to report the bill back, and recommend its indefinite postponement.

HAWES, for Delegation.

Mr. Shafter, from the Judiciary Committee, made the following report :

Mr PRESIDENT:—The joint committee of the Judiciary and Finance, to whom were referred the message of his excellency the Governor, concerning a communication of the State Controller, report that they met with the committees of the Assembly—the Judiciary and Claims—and with those committees arrived at the following conclusions: They have charged the Finance Committee of the Senate with the duty of bringing in a bill to fund the indebtedness of the State outstanding on the first day of June, A. D. eighteen hundred and sixty-four, and, further, recommend the adoption of the accompanying resolution.

*Resolved*, By the Senate, the Assembly concurring, that the State Controller be requested to continue the issue of his warrants upon the Treasurer in the same manner it would be his duty to do in case there was money in the Treasury properly applicable to the payment of the claim represented by such warrants.

SHAFTER, for Committee.

On the adoption of the resolution, the ayes and noes were demanded, by Messrs. Hawes, Foulke, and Yule, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Cunningham, Evans, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Kutz, Leonard, Maddox, Montgomery, Shepard, Smith, Tuttle, Wright, and Yule—20.

NOES—Messrs. Buckley, Cot, Dodge, Foulke, Freeman, Hale, Hawes,

Henry, McMurtry, Meyers, Pierce, Porter, Redington, Roberts, Rush, and Shafter—16.

So the resolution was adopted.

Mr. Montgomery, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 313;

Also, Senate bill No. 272;

Also, Senate bill No. 87;

And at three o'clock p. m., March twenty-first, delivered the same to the Governor for his approval.

MONTGOMERY, for Committee.

Mr. Haswell made the following report:

Mr. PRESIDENT:—Your special committee, to whom was referred Senate bill No. 380, an Act concerning a State Alms-house, have had the same under consideration, beg leave to report it back with amendments, and recommend its passage as amended.

HASWELL,  
TUTTLE,  
REDINGTON.

Mr. Dodge made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 389, relative to the collection of taxes on personal property in San Francisco, have had the same under consideration, report the same back with an amendment, and recommend its passage as amended.

DODGE, for Delegation.

Mr. Kutz, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 179, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, Senate bill No. 180, an Act to regulate proceedings on motion for new trial, or in arrest of judgment, and on appeal in criminal cases in Justices', Recorders', Mayors', and Police Courts;

Also, Senate bill No. 249, an Act concerning crimes and punishments;

Also, Senate bill No. 328, an Act concerning Common Schools in the City of Placerville;

Also, Senate bill No. 341, an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers;

Also, Senate bill No. 387, an Act to change the name of Amasa Maurice Craig and Laura Craig;

Also, Senate bill No. 388, an Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eigh-

teen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 385, an Act supplementary to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

KUTZ, for Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 272, an Act to fix the salary of the Superintendent of Public Schools in the County of Sutter;

Also, Senate bill No. 313, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same;

Also, Senate bill No. 187, an Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 330, an Act to provide for the liquidation of the indebtedness of the City of Sacramento which accrued prior to January first, eighteen hundred and fifty-nine;

Also, Senate bill No. 331, an Act repealing an Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of county taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven;

Also, Senate bill No. 110, an Act authorizing the Board of Supervisors of Sierra County to provide for the construction of certain wagon roads in Sierra County;

Also, Senate bill No. 317, an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, A. D. eighteen hundred and sixty-three.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1864. }

*To the Senate of the State of California :*

I herewith return without my approval Senate bill No. 178, an Act for the relief of the State Agricultural Society.

Section one of the bill authorizes and *requires* the Board of Supervisors of Sacramento County to levy a special tax of fifteen cents on the one hundred dollars of taxable property within the county and outside of the city limits, and twenty-five cents on the one hundred dollars on all property within the city limits; the proceeds of said tax to be placed in an "Agricultural Fund." Section two provides that the amount of money thus realized shall be devoted to the payment of the outstanding debt of the State Agricultural Society. It also provides that the indebt-



edness shall be redeemed after bids shall have been received, and that the lowest bids shall be accepted. Section three provides that any surplus remaining after the outstanding indebtedness shall have been paid shall be applied to "improving and finishing" the Agricultural Pavilion.

My objections to the bill are :

*First*—That in my judgment the several county and city governments should be allowed to manage their local concerns, subject only to the general laws granting privileges or making restrictions which may be considered wise by the Legislature; the most important of these powers is taxation. The theory of our republican form of government is based upon this broad principle, and experience has proved that local Boards of officers of the different cities and counties are better able to judge of the wants of their several communities, and the rate of taxation which it is necessary to lay for local purposes, than the Legislature can possibly be. I think it unwise, therefore, for the Legislature to pass bills authorizing and *requiring* the Supervisors of counties to levy a tax, unless it shall be made apparent that they have wilfully refused or neglected to do so, in violation of the pledged faith of the county.

*Second*—That it is neither just nor equitable to compel the people of the City and County of Sacramento—while the city and county are burdened with so large an indebtedness of their own—to assume and pay a debt for which they are in no manner bound. The creditors of the city and county have a right to insist that the proceeds derived from taxes shall be applied to the liquidation of their claims, after the current expenses of government are provided for.

The financial condition of the City of Sacramento is such that it will be a grievous burden for the corporation to bear any taxes other than those voluntarily imposed by their own officers. When the present city government was instituted, in April, eighteen hundred and sixty-three, the floating indebtedness outstanding and unpaid was, in round numbers, one hundred and fifteen thousand dollars, and the funded debt was, say one million six hundred thousand dollars. A tax of fifty cents on each one hundred dollars was levied last year, for the purpose of paying the floating indebtedness. This tax produced twenty-five thousand dollars, and with this sum the city officers redeemed thirty-nine thousand eight hundred dollars of their debt, at rates ranging from forty-eight to seventy per cent, leaving a debt remaining of seventy-five thousand dollars, which must be paid from the proceeds of taxes during the present and succeeding years. On the first day of January, eighteen hundred and sixty-four, there were due and unpaid coupons of the funded debt of the city amounting to eighty-eight thousand dollars; of which twenty-five thousand have since been paid, leaving coupons yet unpaid to the amount of sixty-three thousand dollars. The county, also, has a considerable floating debt, and a funded debt of a large amount, the exact sum of either or both of which I have been unable to ascertain.

In view of these considerations, I cannot give my official sanction to any bill increasing the taxation of the city and county referred to, unless it be left discretionary with the Supervisors or City Trustees, or both, who should alone be the judges as to whether or not the benefits to be derived will compensate for the burdens imposed.

"Be just before you are generous," is a maxim which should be observed by States, counties, and cities, as well as by individuals. So strong are my convictions regarding the good policy of this maxim, that I am persuaded that if it had been adhered to by former Legislatures, our State would not be at the present time burdened with an immense

floating debt, with the prospect of having the wheels of government stopped for the want of means to pay current expenses.

FRED'K F. LOW,  
Governor.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—None.

NOES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Maddox, McMurtry, Meyers, Montgomery, Pierce, Porter, Redington, Roberts, Rush, Shafter, Smith, Tuttle, Wright, and Yule—34.

So the bill did not pass.

Mr. Heacock, by leave, introduced a bill for an Act for the relief of the State Agricultural Society.

Read first and second times, rules suspended, reading dispensed with, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

#### FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 23d, 1864. }

*To the Senate of the State of California:*

I herewith return, without my approval, Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties.

Section two of the bill provides that the company shall have the same powers to condemn lands that is conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twelfth, eighteen hundred and sixty-one. No Act of this character was approved May twelfth, eighteen hundred and sixty-one, but the one to which reference was intended to be made was approved May twentieth, eighteen hundred and sixty-one.

As condemnation of lands is a proceeding which can be done only in pursuance of express statutory authority, the defect alluded to would prove fatal, and, as a consequence, the main object sought for by the bill would be defeated.

For these reasons I return the bill.

FRED'K F. LOW,  
Governor.

The message, together with bill, was ordered to top of the file for tomorrow, March twenty-fourth.

On motion of Mr. Crane, Senate bill No. 365, an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at Point San Quentin, for State Prison purposes, was taken up, considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

On motion of Mr. Evans, the Forty-Fifth Standing Rule was suspended

so far as it relates to Senate bill No. 348, and the bill ordered transmitted to the Assembly immediately.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Dodge, for an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to provide the manner of its execution.

Read first and second times, and ordered on the Local File.

By Mr. Smith, for an Act supplemental to an Act entitled an Act to prevent the destruction of timber on the Public Lands of this State, approved March second, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

By Mr. Haswell, for an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals.

Read first and second times, the usual number of copies ordered printed, and referred to the Judiciary Committee.

Also, for an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Crane, for an Act to ascertain and fix the compensation of the Sheriff of Alameda County.

Read first and second times, and placed on file.

By Mr. Rush, for an Act making the County Clerk of Colusa County ex officio Recorder and Auditor of said county, and fixing his compensation.

Read first and second times, and placed on file.

By Mr. Evans, for an Act to amend an Act entitled an Act for the relief of the enlisted men of the California Volunteers in the service of the United States.

Read first and second times.

On the motion to suspend the rules and consider the bill now, the ayes and noes were demanded, by Messrs. Evans, Yule, and Haskin, and taken, with the following result :

AYES—Messrs. Cot, Crane, Evans, Freeman, Hale, Hamilton, Haswell, Heacock, Haskin, Leonard, Lovett, McMurtry, Montgomery, Moyle, Roberts, Shepard, Tuttle, and Yule—19.

NOES—Messrs. Buckley, Cunningham, Dodge, Foulke, Gaskill, Hawes, Kutz, Maddox, Pierce, Shafter, and Wright—11.

So the motion was lost.

The bill was placed on file.

By Mr. Wright, for an Act amendatory of an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

By Mr. Montgomery, for an Act providing for the time of holding the terms of the District Court in Merced County.

Read first and second times, and placed on file.

By Mr. Roberts, for an Act to extend over the County of Nevada the provisions of the Act entitled an Act concerning lawful fences, approved



April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto.

Read first and second times, and placed on file.

Also, for an Act concerning the office of Clerk of the Supreme Court.

Read first and second times, and placed on file.

By Mr. Freeman, for an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties.

Read first and second times, and placed on file.

By Mr. Buckley, for an Act to amend an Act entitled an Act to authorize Caleb S. Hobbs and others to build a wharf in the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to change the name of the Humboldt Gold and Silver Mining Company to the Auld Lang Syne Humboldt Gold and Silver Mining Company.

Read first and second times, and placed on file.

#### GENERAL FILE.

Senate bill No. 305, an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Gaskill moved to strike out all after the enacting clause, and insert :

“SECTION 1. Section first of said Act is hereby amended so as to read as follows :

“Section 1. Messrs. George Tait, J. A. Benton, Ira P. Rankin, P. B. Clark, and B. H. Randolph, are hereby constituted and appointed a Board of Trustees for the State Deaf, Dumb, and Blind Asylum, whose term of office shall be for two years, and until their successors are appointed and qualified.”

Pending which, the hour for the special order arrived.

#### SPECIAL ORDER.

Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto.

The question being on the motion to recommit to a special committee of three, with instructions—

Mr. Hale withdrew the motion to recommit, and offered the following amendment in place thereof:



"Section Eleven. This Act shall be submitted to the people of the State of California for their ratification at the next general election to be holden for the choice of Presidential Electors; and the qualified voters of this State shall, at said election, cast their ballots for or against this Act; those voting for the same shall write or have printed on their ballots 'Aid to Railroad,' and those voting against the same shall write or have printed on their ballots the words 'No Aid to Railroad.'

"Section Twelve. The votes cast for and against this Act shall be counted, returned, and canvassed, and declared, in the same manner and subject to the same rules as votes cast for Presidential Electors as aforesaid; and if it shall appear that a majority of all the votes cast for and against this Act as aforesaid are in favor of this Act, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes so cast shall be against this Act, then the same shall be void.

"Section Thirteen. It shall be the duty of the Treasurer of State to have this Act published in one newspaper in each Judicial District of this State, if one be published therein, for three months next preceding the general election to be holden, and for said publication no greater allowance shall be made than the rate allowed by law to the State Printer."

On which, the ayes and noes were demanded, by Messrs. Haskin, Hale, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Evans, Freeman, Hamilton, Hale, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, Tuttle, and Wright—15.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—25.

So the amendment was lost.

Mr. Hawes offered the following amendment to section two:

"*Provided*, that the said first fifteen hundred bonds shall be issued from time to time as the said railroad is constructed and completed, that is to say, for every twenty miles which shall be so constructed and completed, said bonds may be issued to the amount of two hundred and forty thousand dollars, and so on till the completion of the said railroad throughout the entire route from the Sacramento River to the State line."

Mr. Crane moved to amend the amendment by adding:

"*Provided*, however, that the remaining ten millions five hundred thousand dollars may be issued at any time."

The amendment was accepted.

On the adoption of the proviso, the ayes and noes were demanded, by Messrs. Hawes, Heacock, and Benton, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Crane, Evans, Foulke, Freeman, Hamilton, Hawes, Henry, Lovett, Maddox, McMurtry, Montgomery, Pierce, Rush, and Tuttle—16.

NOES—Messrs. Burnell, Cot, Cunningham, Dodge, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—22.

So the amendment was rejected.

Mr. Hawes now moved to amend by adding to section four as follows :

“ And the said railroad, when and as fast as the same shall be constructed, and all the rights, property, and franchises therein and thereto belonging, of the said Central Pacific Railroad Company, and all the land to said company granted by the United States, are hereby declared to be subject to a lien and first mortgage to the State of California, to secure the fulfilment of the foregoing conditions on the part of the said company to be kept and performed, and to secure the construction and completion by the said company of the said railroad from the Sacramento River to the State line.”

On which, the ayes and noes were demanded, by Messrs. Hawes, Henry, and Heacock, and taken, with the following result :

AYES — Messrs. Cot, Evans, Freeman, Hamilton, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Tuttle—13.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—26.

So the amendment was rejected.

Mr. Hawes moved to further amend the bill by adding a new section, as follows :

“ SEC. 7. Those provisions of the Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-second, eighteen hundred and sixty-three, which authorizes the Board of Supervisors of said City and County of San Francisco, or any other authority, to take and subscribe six hundred thousand dollars, or any sum whatever, to the capital stock of the Central Pacific Railroad Company, and those which authorize the issuance of any bonds, or incurring any other obligations, expense, or liability in relation thereto, are hereby repealed.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Pierce, Haswell, and Haskin, and taken, with the following result :

AYES—Messrs. Buckley, Cot, Crane, Evans, Freeman, Hamilton, Hawes, Henry, Lovett, Maddox, McMurtry, Montgomery, and Pierce—13.

NOES—Messrs. Benton, Burnell, Cunningham, Dodge, Foulke, Gaskill,

Hale, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—26.

So the amendment was rejected.

On the motion to suspend the rules, consider the bill engrossed, and place it upon its final passage now, the ayes and noes were demanded, by Messrs. Benton, Pierce, and Haswell, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—24.

NOES—Messrs. Benton, Cot, Crane, Evans, Freeman, Hale, Hamilton, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Wright—16.

So the motion was lost.

Mr. Roberts moved to amend section four, line four, by striking out, after the words "when required," the words "during the term of thirty years;" also, in line seven, strike out the words "during the period aforesaid."

On which, the ayes and noes were demanded, by Messrs. Roberts, Henry, and Montgomery, and taken, with the following result:

AYES—Messrs. Benton, Cot, Crane, Evans, Foulke, Freeman, Hale, Hamilton, Hawes, Heacock, Henry, Lovett, Maddox, McMurtry, Montgomery, Moyle, Pierce, Porter, Roberts, Rush, Shafter, Smith, Tuttle, and Wright—24.

NOES—Messrs. Buckley, Burnell, Cunningham, Dodge, Gaskill, Hall, Hartson, Haswell, Haskin, Jones, Kutz, Leonard, Meyers, Redington, Shepard, and Yule—16.

So the amendment was adopted.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Henry, Pierce, and Rush, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—25.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hale, Hamilton, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Wright—15.

So the bill was ordered engrossed and read third time.

On motion of Mr. Dodge, Senate bill No. 380 was taken up, the bill ordered to top of the file for Saturday, March twenty-seventh, eighteen hundred and sixty-four, and the usual number of copies ordered printed.

On motion of Mr. Redington, at five o'clock and ten minutes P. M., the Senate took a recess until this evening, at seven o'clock P. M.



## EVENING SESSION.

At seven o'clock P. M., the President called the Senate to order.

Roll called.

Quorum present.

## SECOND SPECIAL ORDER.

Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same.

On the adoption of the amendment to section five, line four, offered by the select committee, to wit: Strike out all after the word "eastward," line six, and insert the words "and northward to connect with the Central Pacific Railroad, now being constructed."

Mr. Crane offered, as a substitute for the amendment, the following:

Amend section five, line five, printed bill: Strike out the words "with some other railroad which shall run eastward to the State line," and insert the words "with such railroad running eastward to the State line as shall, at the time of such connection, have reached a point nearest to said State line."

On the adoption of which, the ayes and noes were demanded, by Messrs. Henry, Crane, and Montgomery, and taken, with the following result:

AYES—Messrs. Benton, Cot, Crane, Freeman, Hamilton, Hawes, Henry, Maddox, Montgomery, Pierce, Roberts, Rush, and Tuttle—13.

NOES—Messrs. Burnell, Dodge, Hall, Hartson, Haswell, Heacock, Haskin, Kutz, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Smith, and Wright—16.

So the substitute was rejected.

The amendment was adopted.

On the adoption of the committee's substitute for section six, the ayes and noes were demanded, by Messrs. Pierce, Henry, and Montgomery, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Hartson, Haswell, Haskin, Kutz, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, and Smith—17.

NOES—Messrs. Cot, Freeman, Hamilton, Henry, Maddox, Montgomery, Pierce, Rush, and Wright—9.

So the substitute was adopted.

Mr. Pierce moved that the Senate do now adjourn.

The motion was lost.

Mr. Pierce was granted leave of absence.

Further amendments, offered by the select committee, were adopted, the bill then considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Hawes moved to further amend the bill as follows: Amend section one, line three, (printed bill,) by inserting after the words "qualified electors," the words "tax payers."

Also, amend same section by adding in continuation thereof the following: "None shall be allowed to vote on said proposition but those



who are qualified electors of the county and district where their votes are offered, and whose names appear upon the assessment roll of the respective counties, and who are therein assessed for real or personal property for the year eighteen hundred and sixty-four."

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Moyle, and Freeman, and taken, with the following result :

AYES—Messrs. Buckley, Crane, Hawes, Henry, Maddox, Montgomery, and Tuttle—7.

NOES—Messrs. Benton, Burnell, Cot, Dodge, Evans, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Rush, Shafter, Wright, and Yule—25.

So the amendment was rejected.

Mr. Hartson moved to amend as follows : By inserting after the word "river," in line seven, section one, "and also for the construction of the railroads known as the San Francisco and Marysville Railroad ; also, the Placerville and Sacramento Valley Railroad ; also, the road running from Oroville and Oregon."

On the adoption of which, the ayes and noes were demanded, by Messrs. Hartson, Wright, and Hamilton, and taken, with the following result :

AYES—Messrs. Benton, Cot, Evans, Gaskill, Hall, Hamilton, Hartson, Henry, Haskin, Lovett, Maddox, Montgomery, Moyle, Rush, Tuttle, and Wright—16.

NOES—Messrs. Buckley, Burnell, Crane, Dodge, Hale, Haswell, Hawes, Heacock, Leonard, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Smith, and Yule—17.

So the amendment was lost.

Mr. Hawes now moved to reconsider the above vote by which the amendment was rejected.

Mr. Yule moved to indefinitely postpone the motion to reconsider.

On which, the ayes and noes were demanded, by Messrs. Yule, Gaskill, and Evans, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Smith, and Yule—17.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Lovett, Maddox, Montgomery, Moyle, Rush, Tuttle, and Wright—16.

So the motion was carried.

Mr. Roberts offered as a substitute for section nine the following :

"Section 9. Every railroad company receiving aid under this Act shall be required at all times, when so requested by the proper authorities of this State, to transport and convey over its road, free of charge, all public messengers, all convicts going to any State Prison, all lunatics going to any State Lunatic Asylum, all materials for construction of the

State Capitol building, and all troops and munitions of war of the State of California."

Adopted.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Buckley, Wright, and Tuttle, and taken, with the following result :

AYES—Messrs. Buckley, Evans, Hawes, Lovett, Maddox, Porter, Smith, and Tuttle—8.

NOES—Messrs. Burnell, Cot, Crane, Dodge, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Leonard, McMurtry, Meyers, Montgomery, Moyle, Pierce, Redington, Roberts, Rush, Shafter, Wright, and Yule—24.

So the motion was lost.

Mr. Leonard moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Yule, and Henry, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Lovett, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, and Yule—17.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Maddox, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, and Wright—17.

So the motion was lost.

The question being on Mr. Hawes' amendment, Mr. Yule moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Leonard, Henry, and Gaskill, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, McMurtry, Meyers, Redington, Roberts, Shafter, and Yule—15.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Lovett, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, and Wright—17.

So the motion was lost.

Mr. Hawes offered the following amendment, repealing certain Acts :

"The Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three."

Mr. Shafter moved that the bill be placed at top of the file for tomorrow.

On which, the ayes and noes were demanded, by Messrs. Hartson, Wright, and Henry, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Dodge, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Redington, Roberts, Shafter, and Yule—14.

NOES—Messrs. Benton, Cot, Evans, Gaskill, Hale, Hamilton, Hartson, Hawes, Henry, Montgomery, Moyle, Pierce, Rush, Tuttle, and Wright—15.

So the motion was lost.

Mr. Hale now moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Hartson, Gaskill, and Hale, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Redington, Roberts, Shafter, and Yule—14.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Montgomery, Moyle, Pierce, Rush, Tuttle, and Wright—15.

So the motion was lost.

Mr. Hawes moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Hawes, Henry, and Pierce, and taken, with the following result :

AYES—Messrs. Burnell, Hale, Hall, Haswell, Roberts, and Yule—6.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Haskin, Leonard, Montgomery, Moyle, Pierce, Redington, Rush, Shafter, Tuttle, and Wright—21.

So the motion was lost.

On the adoption of Mr. Hawes' amendment, the ayes and noes were demanded, by Messrs. Hawes, Buckley, and Cot, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Evans, Hawes, Henry, Montgomery, Pierce, Tuttle, and Wright—10.

NOES—Messrs. Burnell, Crane, Dodge, Gaskill, Hale, Hall, Hamilton, Haswell, Heacock, Haskin, Leonard, Meyers, Moyle, Redington, Roberts, Shafter, and Yule—17.

So the amendment was lost.

Mr. Gaskill moved to amend by inserting, after the word "river," in section one, line seven, the words "also to extend aid in the construction of a railroad from Oroville to the Oregon line."

On the adoption of which, the ayes and noes were demanded, by Messrs. Gaskill, Wright, and Henry, and taken, with the following result :

AYES—Messrs. Evans, Gaskill, Hamilton, Hartson, Henry, Montgomery, Moyle, Rush, and Wright—9.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Redington, Roberts, Shafter, Tuttle, and Yule—17.

So the amendment was lost.

Mr. Hawes offered the following amendment :

"The Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million

dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-second, eighteen hundred and sixty-three, is hereby repealed."

On the adoption of which, the ayes and noes were demanded, by Messrs. Benton, Rush, and Haswell, and taken, with the following result:

AYES—Messrs. Buckley, Evans, Hamilton, Haswell, Hawes, Henry, Montgomery, Pierce, and Tuttle—8.

NOES—Messrs. Benton, Burnell, Crane, Dodge, Gaskill, Hale, Hall, Hartson, Heacock, Haskin, Leonard, Meyers, Moyle, Redington, Roberts, Shafter, Wright, and Yule—18.

So the amendment was lost.

Mr. Crane moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Hale, Crane, and Leonard, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Redington, Roberts, Shafter, and Yule—14.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Montgomery, Moyle, Pierce, Rush, Tuttle, and Wright—15.

So the motion was lost.

Mr. Buckley moved to amend section two by striking out all after the word "words," in the eighth line, to the word "written," in the tenth line, and insert "Pacific Railroad aid—yes, or Pacific Railroad aid—no;" also, add, after the word "of," in the eighth line, the words "or against."

Mr. Yule moved that the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Wright, Henry, and Evans, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Redington, Roberts, Shafter, and Yule—14.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, Henry, Montgomery, Moyle, Pierce, Rush, Tuttle, and Wright—15.

So the motion was lost.

Mr. Leonard moved a call of the Senate.

On which, the ayes and noes were demanded, by Messrs. Evans, Hartson, and Wright, and taken, with the following result:

AYES—Messrs. Crane, Dodge, Hale, Hall, Haskin, Leonard, Meyers, Redington, Roberts, and Yule—10.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Evans, Gaskill, Hamilton, Hartson, Haswell, Heacock, Henry, Montgomery, Moyle, Pierce, Rush, Shafter, Tuttle, and Wright—18.



So the motion was lost.

Mr. Redington moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Leonard, Redington, and Wright, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hale, Hall, Haswell, Heacock, Henry, Haskin, Leonard, Meyers, Montgomery, Pierce, Redington, Roberts, Shafter, Tuttle, Wright, and Yule—19.

NOES—Messrs. Benton, Buckley, Cot, Evans, Gaskill, Hamilton, Hartson, Hawes, and Moyle—9.

So the motion was carried.

The question now being, "Shall the main question be now put?" the previous question was sustained.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Dodge, Gaskill, Hale, Hall, Haswell, Heacock, Haskin, Leonard, Meyers, Moyle, Redington, Roberts, and Shafter—16.

NOES—Messrs. Buckley, Cot, Evans, Hamilton, Hartson, Hawes, Henry, Montgomery, Pierce, Rush, Tuttle, Wright, and Yule—13.

So the bill was ordered engrossed.

Mr. Benton gave notice of a motion to reconsider the above vote.

Mr. Leonard moved that when the Senate do adjourn it be until Friday, March twenty-sixth.

Mr. Gaskill moved the Senate do now adjourn.

The motion prevailed, and, at eleven o'clock and forty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 24th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Dwinelle.

Journal of yesterday read and approved.

Mr. Benton, by leave, withdrew his notice of a motion to reconsider the vote by which the Senate on yesterday ordered engrossed Senate bill No. 362.

Mr. Smith moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Smith, Heacock, and Moyle, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Evans, Foulke, Freeman, Hall, Hartson, Haswell, Hawes, Henry, Jones, Kutz, Lovett, Montgomery, Pierce, Redington, Rush, Shafter, Shepard, Smith, Tuttle, and Wright—22.

NOES—Messrs. Buckley, Cot, Cunningham, Dodge, Gaskill, Hamilton, Heacock, Haskin, Maddox, McMurtry, Meyers, Moyle, Porter, and Roberts—14.

So at eleven o'clock and forty minutes A. M., the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Mr. Smith moved the Senate do now adjourn.

On which motion, the ayes and noes were demanded, by Messrs. Porter, Roberts, and McMurtry, and taken, with the following result :

AYES—Messrs. Burnell, Evans, Henry, Haskin, Jones, McMurtry, Meyers, Montgomery, Pierce, Redington, Shepard, and Smith—13.

NOES—Messrs. Dodge, Freeman, Heacock, Maddox, Porter, Roberts, Shafter, and Wright—8.

So at seven o'clock and ten minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 25th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

At eleven o'clock and five minutes A. M., on motion of Mr. Hawes, the Senate adjourned.

## EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

## SPECIAL FILE.

Senate bill No. 12—ordered to top of the file for Tuesday, March twenty-ninth.

Assembly bill No. 376, an Act to provide for paying the legal and equitable indebtedness of the City of San José—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. —, an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates and assigns, therein named—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed.

Assembly bill No. 159, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriations of money by said Board.

Mr. Meyers moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Yule, Rush, and Redington, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Foulke, Freeman, Gaskill, Hall, Hamilton, Hawes, Henry, Jones, Kutz, Maddox, McMurtry, Meyers, Pierce, Shepard, and Tuttle—18.

NOES—Messrs. Buckley, Cot, Cunningham, Dodge, Heacock, Haskin, Moyle, Porter, Redington, Roberts, Rush, Smith, and Yule—13.

So at seven o'clock and thirty minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 26th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of Thursday and Friday read and approved.

## REPORTS.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 345, an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, report the same back, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three ;

Also, Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco ;

Also, Senate bill No. 216, an Act in relation to the Recorder of the City of Petaluma ;

Also, Senate bill No. 284, an Act to fix the compensation of the District Attorney for the County of Fresno ;

Also, Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two ;

Also, Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 269, an Act to prevent hogs running at large in certain counties of this State ;

Also, Senate bill No. 265, an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Acts amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three ;

And this, the twenty-third day of March, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Gaskill, Chairman of the Committee on Elections, made the following report :

MR. PRESIDENT :—The Committee on Elections, to whom was referred Assembly bill No. 350, an Act to provide for the support of the privilege of free suffrage during the continuance of the war, report the same back, and recommend its passage.

GASKILL, Chairman.

Assembly bill No. 350, above reported, was taken up under a suspen-



sion of the rules, considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Pierce, Haskin, and Kutz, and taken, with the following result :

**AYES**—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—32.

**NOES**—Messrs. Cot, Hamilton, Hawes, Montgomery, Pierce, and Rush—6.

So the bill passed.

Mr. Lovett made the following report :

**MR. PRESIDENT** :—Your committee, to whom was referred Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

**LOVETT**, for Committee.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report :

**MR. PRESIDENT** :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto ;

Also, Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of the State, etc. ;

Also, Senate bill No. 365, an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at San Quentin.

**ROBERTS**, Chairman.

Mr. Roberts moved that Senate bills Nos. 347 and 362, above reported, be made the special order for to-day at two o'clock P. M.

On which, the ayes and noes were demanded, by Messrs. Wright, Pierce, and Hawes, and taken, with the following result :

**AYES**—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Heacock, Haskin, Jones, Kutz, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—23.

**NOES**—Messrs. Benton, Buckley, Cot, Evans, Freeman, Hamilton, Hartson, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Wright—16.

So the motion was lost.

The Chair decided that it required a two thirds vote to make the bills the special order.

Mr. Gaskill appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"—

Pending the consideration, the hour arrived for considering the special order, (General File.)

GENERAL FILE.

Senate bill No. 383, an Act to amend an Act entitled an Act to provide a Special Fund for the construction of the State Capitol building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three—ordered to top of the file for Tuesday, March twenty-ninth.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 23d, 1864.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 103, an Act relating to appeals.

FRED'K F. LOW,  
Governor.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 294, an Act to provide for the redemption of the funded indebtedness of the City of Sacramento;

Also, Senate bill No. 245, an Act to authorize the City and County of San Francisco to convey certain real estate to the State of California;

Also, Senate bill No. 156, an Act for the relief of Isaac F. Baker, Tax Collector of District Number Four, in and for Tuolumne County;

Also, Senate bill No. 144, an Act concerning suits where the State is a party;

Also, Senate bill No. 127, an Act amendatory of the Act regulating proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same;

Also, Senate bill No. 337, an Act to authorize the Board of State Harbor Commissioners to employ Counsel in San Francisco;

Also, Senate bill No. 173, an Act to appropriate money to pay certain claims;

Also, Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt;

Also, Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road;

Also, Senate bill No. 324, an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento;

Also, Senate bill No. 295, an Act supplementary to an Act entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three;

Also, Senate bill No. 286, an Act granting parties therein named the right to construct a wagon road and collect tolls thereon;

Also, Senate bill No. 67, an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-two, and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties;

Also, Senate bill No. 273, an Act to revive and re-enact sections four and five of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and to repeal a former Act relating thereto;

Also, Senate bill No. 292, an Act explanatory of and supplemental to an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two;

Also, Senate bill No. 203, an Act to provide for the erection of a Jail and the repair of the Court-house in the County of Alameda;

Also, Senate bill No. 363, an Act to authorize the Board of Supervisors of Placer County to appropriate money from the General Fund of said county;

And on this, the twenty-sixth day of March, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

#### GENERAL FILE RESUMED.

Senate bill No. 389, an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide for the payment of the same, and to levy a tax to pay such bonds—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Gaskill moved to strike out the enacting clause.

On which, the ayes and noes were demanded, by Messrs. Smith, Roberts, and Wright, and taken, with the following result:

AYES—Messrs. Cot, Crane, Cunningham, Freeman, Gaskill, Hale, Hamilton, Montgomery, Pierce, and Rush—10.

NOES—Messrs. Benton, Buckley, Dodge, Evans, Foulke, Hall, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—26.

So the motion was lost.

On the motion to suspend the rules, consider the bill engrossed, and place it on its final passage now, the ayes and noes were demanded, by Messrs. Evans, Pierce, and Haskin, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Dodge, Evans, Foulke, Hall, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Lovett, Maddox, Meyers, Moyle, Porter, Redington, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—24.

NOES—Messrs. Buckley, Cot, Crane, Cunningham, Freeman, Gaskill, Hale, Hamilton, Kutz, McMurtry, Montgomery, Pierce, and Rush—13.



So the motion was lost.

The bill was ordered engrossed and read third time.

Senate bill No. 240, an Act to extend the provisions of certain Acts to Township Number Four, in Amador County.

The question being "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Buckley, Burnell, Foulke, Freeman, Gaskill, Hale, Hall, Haskin, Leonard, Lovett, Maddox, McMurtry, Meyers, Porter, Rush, and Shafter—16.

NOES—Messrs. Benton, Cot, Crane, Cunningham, Dodge, Hawes, Heacock, Henry, Jones, Moyle, Pierce, Redington, Shepard, and Tuttle—14.

So the Governor's objections were sustained.

Senate bill No. 131, an Act granting certain rights and privileges to the Yreka Creek Drainage Company.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Buckley, Burnell, Foulke, Freeman, Gaskill, Hale, Haswell, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Shafter, Tuttle, Wright, and Yule—17.

NOES—Messrs. Cot, Crane, Cunningham, Dodge, Hall, Hartson, Hawes, Heacock, Henry, Haskin, Moyle, Pierce, Porter, Redington, Rush, and Shepard—16.

So the Governor's objections were sustained.

The hour having passed for the consideration of the General File—

Mr. Gaskill called for the regular order of business.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Hale, Wright, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cot, Evans, Freeman, Hale, Hamilton, Hartson, Hawes, Henry, Haskin, Lovett, Maddox, Montgomery, Pierce, Porter, Roberts, Rush, Smith, and Wright—20.

NOES—Messrs. Burnell, Crane, Dodge, Gaskill, Hall, Haswell, Heacock, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Redington, Shafter, Shepard, Tuttle, and Yule—18.

So the Chair was sustained.

#### MESSAGES FROM THE ASSEMBLY. .

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 22d, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-first instant, passed Senate bill No. 67, an Act supplementary to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, passed April fourth, eighteen hundred and forty-one, passed May third, eighteen hundred and fifty-



two, and of an Act entitled an Act to provide for the location of School Land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, same day, passed Senate bill No. 265, an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three ;

Also, same day, passed Senate bill No. 292, an Act explanatory of and supplemental to an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two ;

Also, same day, passed Senate bill No. 294, an Act to provide for the redemption of the funded indebtedness of the City of Sacramento ;

Also, on the eighteenth instant, passed Assembly bill No. 73, an Act concerning the salary of the County Judge of Los Angeles County ;

Also, on the sixteenth instant, passed Assembly bill No. 186, an Act to audit and allow a certain claim ;

Also, on the eighteenth instant, passed Assembly bill No. 203, an Act to authorize the Governor of the State of California to convey certain real estate ;

Also, same day, passed Assembly bill No. 310, an Act making appropriations for deficiencies in the appropriations made for the fourteenth and fifteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-four ;

Also, same day, passed Assembly bill No. 363, an Act to pay the claim of E. C. Palmer for rent and stationery ;

Also, on the seventeenth instant, passed Assembly bill No. 369, an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds ;

Also, on the eighteenth instant, passed Assembly bill No. 379, an Act to enforce the collection of road taxes in Yuba County ;

Also, same day, passed Assembly bill No. 407, an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four ;

Also, same day, passed Assembly bill No. 408, an Act concerning the Superintendent of Common Schools in the County of Sonoma ;

Also, same day, passed Assembly bill No. 412, an Act to authorize the formation of an association for the improvement of horses and neat cattle ;

Also, same day, passed Assembly bill No. 414, an Act to amend an Act entitled an Act concerning hogs found running at large in the County of Solano.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 22d, 1864. }

MR PRESIDENT :—The Assembly, this day, amended and passed Senate bill No. 254, an Act to amend an Act entitled an Act providing the time

of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, this day, passed Assembly bill No. 410, an Act to authorize the Owens River Canal Company to improve the channel of said river.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-second instant, passed Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department;

Also, same day, passed Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt;

Also, same day, passed Senate bill No. 267, an Act providing for the time of holding the County and Probate Courts in the Counties of Nevada and Napa;

Also, same day, passed Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road;

Also, same day, passed Senate bill No. 286, an Act granting parties therein named the right to construct a wagon road and collect tolls thereon;

Also, same day, passed Senate bill No. 293, an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, same day, passed Senate bill No. 295, an Act supplementary to an Act entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three;

Also, same day, refused to concur in Senate amendments to Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California;

Also, same day, concurred, with amendments, in Senate amendments to Assembly bill No. 249, an Act to provide for funding the indebtedness of Tehama County;

Also, same day, concurred in Senate amendments to Assembly bill No. 189;

Also, same day, concurred in Senate amendments to Assembly bill No. 300;

Also, same day, passed Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City;

Also, on the twenty-first instant, passed Assembly bill No. 359, an Act concerning partnerships for mining purposes;

Also, same day, passed Assembly bill No. 400, an Act to grant the right to construct a turnpike road from the Town of Searsville, in the County of San Mateo, to the Town of Pescadero, in the County of Santa Cruz;

Also, same day, passed Assembly bill No. 401, an Act to prevent the trespassing of hogs, sheep, and goats, upon private property in the County of Calaveras;

Also, on the eighteenth instant, passed Assembly bill No. 411, an Act supplemental to an Act entitled an Act to amend an Act relating to corporations, passed May eighteenth, eighteen hundred and fifty-three;

Also, on the twenty-first instant, passed Assembly bill No. 419, an Act

fixing the time of holding the County Court and Probate Court in the County of Calaveras.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-second instant, received from the Governor, without his approval, Assembly bill No. 286, an Act to authorize the Guardian of certain minor children to sell and convey real estate. The bill was accompanied by a message from the Governor. This message was read, and the bill referred to was then passed by a constitutional majority of the Assembly over the Governor's veto.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, amended and passed Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents;

Also, this day, passed Senate bill No. 352, an Act to amend an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two;

Also, this day, indefinitely postponed Senate bill No. 242, an Act for the relief of J. A. Moultrie;

Also, this day, passed Senate bill No. 318, an Act to grant the right to construct a turnpike road between the Town of Ione City, in Amador County, and Miller's Corral, in El Dorado County;

Also, this day, passed Assembly bill No. 195, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act providing a Fund for the use of the State Library, passed May first, A. D. eighteen hundred and fifty-two, approved May eleventh, eighteen hundred and fifty-three;

Also, this day, passed Senate bill No. 229, an Act to provide for the survey of the boundary line between Calaveras and San Joaquin Counties;

Also, this day, indefinitely postponed Senate bill No. 185, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty;

Also, this day, passed Senate bill No. 315, an Act in relation to the office of the Superintendent of Common Schools in San Diego County;

Also, this day, passed Senate bill No. 324, an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento;

Also, this day, passed Senate bill No. 335, an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco;

Also, this day, passed Senate bill No. 351, an Act granting to certain parties the right to construct a wagon road in the County of Tulare;

Also, this day, passed Senate bill No. 381, an Act to change the name of Andrew Smith to Andrew Hallidie;



Also, this day, passed Senate bill No. 387, an Act to change the name of Amasa Maurice Craig and Laura Craig.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1864. }

Mr. PRESIDENT :—The Assembly, on the nineteenth instant, adopted Assembly concurrent resolution No. 40, concerning the admission of materials for the construction of telegraph lines, etc., and ask the concurrence of the Senate in the same ;

Also, this day, concurred in Senate concurrent resolution No. 30, requesting the Controller of State to draw warrants ;

Also, this day, passed Senate bill No. 172, an Act to authorize Thomas Cutter, D. M. Kenfield, John Sedgwick, and their associates or assigns, to construct and maintain a toll road in the County of Tuolumne.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1864. }

Mr. PRESIDENT :—The Assembly, on the twenty-second instant, passed Assembly bill No. 277, an Act to amend the revenue law ;

Also, on the eighteenth instant, passed Assembly bill No. 395, an Act to settle the title to lands in the village and Town of Branciforte, in the County of Santa Cruz ;

Also, on the seventeenth instant, passed Assembly bill No. 356, an Act to authorize Guadalupe Adclaide Limass to sell certain property of her minor children, Francisco J. Limass and Ana A. Limass ;

Also, on the twenty-first instant, passed Assembly bill No. 416, an Act to provide for funding the indebtedness of the County of Colusa ;

Also, on the twenty-third instant, passed Assembly bill No. 425, an Act more particularly to define the boundaries of the County of Los Angeles ;

Also, on the twenty-second instant, passed Assembly bill No. 429, an Act concerning the office of Public Administrator in the Counties of Shasta and Trinity ;

Also, on the twenty-second instant, passed Assembly bill No. 430, an Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five ;

Also, same day, passed Assembly bill No. 435, an Act to repeal a certain Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy a special tax and create a Redemption Fund for the payment of county indebtedness.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1864. }

Mr. PRESIDENT :—The Assembly has this day passed Senate bill No. 213, an Act to define the boundary lines of the County of Sutter ;

Also, passed Senate bill No. 328, an Act concerning Common Schools in the City of Placerville ;

Also, concurred, with amendments, in Senate amendment to Senate



bill No. 358, an Act to provide for the settlement of certain land claims within the City and County of San Francisco;

Also, passed Assembly bill No. 354, an Act to extend the provisions of an Act entitled an Act to appropriate funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 286, above reported, was made the special order for Monday, March twenty-eighth, at two o'clock P. M.

Senate concurred in Assembly amendments to Senate bill No. 254, above reported.

Senate concurred in Assembly amendment to Senate bill No. 170, above reported.

Senate concurred in Assembly amendments to Senate amendments to Assembly bill No. 249, above reported.

Assembly bill No. 410, above reported, was read first and second times, and referred to the Tuolumne, Tulare, and Mono delegations.

Assembly bill No. 400, above reported, was read first and second times, and referred to the San Mateo and Santa Cruz delegations.

The Senate refused to recede from its amendments to Assembly bill No. 329, and the President appointed, as a Committee of Free Conference, Messrs. Evans, Burnell, and Crane.

Assembly bill No. 408, above reported, read first and second times, and placed on file.

Assembly bill No. 401, above reported, read first and second times, and placed on file.

Assembly bill No. 419, above reported, read first and second times, and placed on file.

Assembly bill No. 414, above reported, read first and second times, and placed on file.

Assembly bill No. 356, above reported, read first and second times, and placed on file.

Assembly bill No. 429, above reported, was read first and second times, and placed on file.

Assembly bill No. 369, above reported, was read first and second times, and placed on file.

Assembly bill No. 407, above reported, read first and second times, and referred to the Sacramento and Placer delegations.

Assembly bill No. 411, above reported, was read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 359, above reported, was read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 354, above reported, was read first and second times, and referred to the Finance Committee.

Assembly bill No. 310, above reported, was read first and second times, and referred to the Finance Committee.

Assembly bill No. 277, above reported, was read first and second times, and referred to the Finance Committee.

Assembly bill No. 412, above reported, was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 430, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 363, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 186, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 73, above reported, read first and second times, and referred to the Los Angeles delegation.

Assembly bill No. 425, above reported, read first and second times, and referred to the Los Angeles delegation.

Assembly bill No. 203, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 379, above reported, read first and second times, and referred to the Yuba delegation.

Assembly bill No. 195, above reported, read first and second times, and referred to the Committee on State Library.

Assembly concurrent resolution No. 40, above reported, read first and second times, and placed on file.

Assembly bill No. 395, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly bill No. 416, above reported, read first and second times, and referred to the Colusa delegation, with instructions to report on Monday.

Assembly bill No. 435, above reported, read first and second times, and referred to the Tehama delegation.

Senate bill No. 358, was returned to the Assembly for clerical correction.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hartson, for an Act for the improvement of Napa County by providing means for the establishment of an agricultural society and the State Agricultural College therein.

Read first and second times, and placed on file.

By Mr. Hall, for an Act in relation to Swamp Land District Funds.

Read first and second times, and placed on file.

By Mr. Gaskill, for an Act accepting certain lands granted by the United States, and providing for the establishment of an Agricultural and Mechanic Arts College.

Read first and second times, and placed on file, and the usual number of copies ordered printed.

By Mr. Redington, for an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board.

Read first and second times.

Mr. Hawes moved to refer the bill to the San Francisco delegation.

Pending the consideration of the motion, Mr. Pierce moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Wright, Lovett, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Cot, Freeman, Hamilton, Hawes, Henry, Has-kin, Lovett, Montgomery, Pierce, Rush, Tuttle, and Wright—13.

NOES—Messrs. Burnell, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hartson, Heacock, Jones, Kutz, Leonard, Meyers, Moyle, Porter, Redington, Roberts, Shafter, and Shepard—19.

So the motion was lost.

Mr. Hawes withdrew his motion to refer.

The bill was placed on file.

By Mr. Hale, for an Act for the relief of W. W. Price.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city.

Read first and second times, and placed on file.

Also, for an Act supplemental to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city.

Read first and second times, and placed on file.

By Mr. Leonard, for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

Also, for an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe twenty thousand dollars to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same.

Read first and second times, and placed on file.

By Mr. Buckley, for an Act concerning insurance companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Jones, for an Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto, approved March twenty-fourth, eighteen hundred and sixty-four.

Read first and second times, rules suspended, reading dispensed with, amended, rules further suspended, considered engrossed, read third time, and passed.

By Mr. McMurtry, for an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties.

Read first and second times, and placed on file.

Mr. Maddox, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 355, an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named.

MADDUX, for Committee.

Mr. Evans offered the following resolution:

*Resolved*, That from and after this date no Senator shall be permitted

to speak more than five minutes at any one time unless, by a two third vote of all the Senators present, leave shall be granted to proceed further after the five minutes have been consumed.

Pending the consideration of the above resolution—

Mr. Smith moved the Senate adjourn.

On which, the ayes and noes were demanded, by Messrs. Smith, Foulke, and Burnell, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Freeman, Hale, Hamilton, Hawes, Henry, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Pierce, Rush, Smith, Tuttle, Wright, and Yule—20.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Porter, Redington, Roberts, and Shafter—18.

So at five o'clock and fifteen minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest : CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 28th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of Saturday last read and approved.

## REPORTS.

Mr. Maddox, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 389, an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds ;

Also, Senate bill No. 418, an Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts



amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-four.

MADDOX, for Committee.

Mr. Haswell presented a report from the Committee on Hospitals.

Referred to the Finance Committee.

[For report, see Appendix.]

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 480, an Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, have had it under consideration, and beg leave to report it back, with the recommendation that it pass;

Also, have had under consideration Assembly bill No. 412, an Act to authorize the formation of an association for the improvement of horses and neat cattle, and beg leave to report it back to the Senate, and recommend its passage.

MEYERS, Chairman.

Assembly bill No. 412, above reported, was taken up under a suspension of the rules, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Cunningham, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 34, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, report the same back without recommendation;

Also, Assembly bill No. 294, an Act to provide for the publication and distribution of the annual reports of the State officers, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, eighteen hundred and sixty-four, and ending on the thirtieth day of June, eighteen hundred and sixty-six, and recommend its passage as amended.

CUNNINGHAM, Chairman.

Mr. Cunningham moved to make Assembly bill No. 176, above reported, the special order for Tuesday, March twenty-ninth, at two o'clock p. m.

On which, the ayes and noes were demanded, by Messrs. Evans, Burnell, and Smith, and taken, with the following result:

AYES—Messrs. Benton, Cot. Cunningham, Evans, Foulke, Freeman, Hamilton, Hartson, Haswell, Hawes, Henry, Haskin, Kutz, Lovett, Maddox, Montgomery, Pierce, Roberts, Rush, Smith, Tuttle, and Wright—22.

NOES—Messrs. Burnell, Crane, Dodge, Gaskill, Hall, Heacock, Jones, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, and Yule—16.

So the motion was lost.

Mr. Leonard made a report from the Committee on Elections, relative to the contested seat of Mr. Hamilton.

The report was ordered printed.

[For report, see Appendix.]

Mr. Hall, Chairman of the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 366, an Act to authorize the sale and conveyance to Edward O'Neil of certain Overflowed Lands in the City and County of San Francisco, have had the same under consideration, have carefully examined the same, and would most respectfully report the same back without recommendation ;

Also, Senate bill No. 190, an Act concerning the Sonoma Land Company, have had the same under consideration, have carefully examined the same, and would most respectfully report the same back without recommendation ;

Also, Senate bill No. 60, an Act for the relief of D. P. Shattuck, have had the same under consideration, have carefully examined the same, and have come to the conclusion that the present existing law covers the case, and would most respectfully recommend that it do not pass.

HALL, Chairman.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 191, an Act concerning the records of the District Court of the Seventh Judicial District, in and for Solano County, having had the same under consideration, report the same back, and recommend its passage.

HARTSON, Chairman.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT:—Your Committee on Claims, to whom was referred Senate bill No. 260, an Act to audit and pay certain claims against the State for services rendered and money expended in maintaining and enforcing the laws in a portion of Plumas County, (now claimed by the Territory of Nevada,) in the year eighteen hundred and sixty-two, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 233, an Act for the relief of Henry Swanholm, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 338, an Act to pay for medical attendance on W. H. Weeks, late Secretary of State, and recommend its indefinite postponement ;

Also, Senate bill No. 42, an Act for the relief of Ralph S. Dorr, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 298, an Act to liquidate the claim of George E. Drew, for surveying the boundary line of a portion of San Joaquin County, annexed to Stanislaus County, and recommend that it be indefinitely postponed ;

Also, the equitable claim of B. N. Bugbey, for services rendered and money expended while serving as Bailiff of the Supreme Court in the years eighteen hundred and sixty-two and eighteen hundred and sixty-three, and report the same back, and recommend the passage of the accompanying bill;

Also, Assembly bill No. 278, an Act for the relief of George Nelson, beg leave to report in favor of the same, and recommend the passage of the bill.

JONES, Chairman.

The Committee on Claims introduced a bill for an Act to appropriate money to pay the claim of B. N. Bugbey.

Read first and second times, and placed on file.

Mr. Rush made the following report :

MR. PRESIDENT:—Your special committee, to whom was referred Assembly bill No. 435, having had the same under consideration, report it back, and recommend its passage.

RUSH, for Committee.

Mr. Rush made the following report :

MR. PRESIDENT:—The special committee, to whom was referred Assembly bill No. 416, report the same back, with a substitute, and recommend the passage of the substitute.

RUSH, for Committee.

Mr. Hartson made the following report :

MR. PRESIDENT:—The delegation from Napa, Lake, and Mendocino, to whom was referred Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, have had the same under consideration, and report the same back, and recommend its passage.

HARTSON, for Delegation.

Mr. McMurtry made the following report :

MR. PRESIDENT:—The San Francisco, San Mateo, and Santa Clara delegations, to whom was referred Senate bill No. 371, report the same back, with a substitute, and recommend the passage of the substitute.

McMURTRY, for Delegations.

Mr. Haswell made the following report :

MR. PRESIDENT:—Your special committee, to whom was referred, with special instructions to insert in Assembly bill No. 139, an Act to promote the study of anatomy, the following :

*“Resolved, That nothing in this Act contained shall authorize the use of any dead body for anatomical purposes, except of those persons who have died during their term of service in the State Prison, or been executed for crime”*—

Have discharged their duty by attaching to the bill the amendment recommended.

HASWELL, for Committee.

Mr. Evans made the following report :

MR. PRESIDENT :—The delegations from Tuolumne and Tulare, to whom was referred Assembly bill No. 410, an Act to authorize the Owens River Canal Company to improve the channel of said river, have had the same under consideration, and report the bill back, and recommend its passage.

EVANS,  
FREEMAN.

Mr. Hamilton made the following report :

MR. PRESIDENT :—The Los Angeles delegation, to whom was referred Assembly bill No. 73, an Act concerning the salary of the County Judge of Los Angeles County, have had the same under consideration, and report the same back to the Senate, with amendments, and recommend the passage of the same, as amended.

HAMILTON, for Delegation.

Mr. Hamilton made the following report :

MR. PRESIDENT :—The Los Angeles delegation, to whom was referred Assembly bill No. 425, an Act more particularly to define the boundaries of the County of Los Angeles, have had the same under consideration, and, in conjunction with the Santa Barbara delegation, report the same back, and recommend its passage.

HAMILTON,  
COT.

Mr. Lovett made the following report :

MR. PRESIDENT :—The Santa Cruz delegation, to whom was referred Assembly bill No. 395, an Act to settle the title to lands in the Village and Town of Branciforte, in the County of Santa Cruz, have had the same under consideration, and report the same back, and recommend its passage.

LOVETT, for Delegation.

Mr. Lovett made the following report :

MR. PRESIDENT :—The Santa Cruz and San Mateo delegations, to whom was referred Assembly bill No. 400, an Act to grant the right to construct a turnpike road from the Town of Searsville, in the County of San Mateo, to the Town of Pescadero, in the County of Santa Cruz, have had the same under consideration, and report the same back, and recommend its passage.

LOVETT,  
HAWES.

GENERAL FILE.

Senate bill No. 160, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result :



AYES—Messrs. Maddox and Shafter—2.

NOES—Messrs. Buckley, Cot, Crane, Dodge, Evans, Gaskill, Hall, Hartson, Haswell, Hawes, Heacock, Haskin, Jones, Kutz, Lovett, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Shepard, Smith, Tuttle, Wright, and Yule—28.

So the Governor's objections were sustained.

On motion of Mr. Evans, the consideration of the General File was suspended for five minutes.

By motion, Mr. Evans' resolution limiting the time of speaking to five minutes, was then taken from the unfinished business.

Mr. Shafter moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Cot, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—27.

NOES—Messrs. Benton, Cot, Freeman, Hawes, Henry, Lovett, Maddox, Montgomery, Rush, Smith, and Tuttle—11.

So the previous question was demanded.

The resolution was then adopted.

Messrs. Hawes and Pierce gave notice of a motion to reconsider.

#### GENERAL FILE RESUMED.

Senate bill No. 305, an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three.

Mr. Roberts offered as a substitute to Mr. Gaskill's amendment, now pending, the following :

Amend section one, line one, by striking out all after the word "the," until and including the word "session," and insert in lieu thereof the word "Governor." In line two, strike out the word "elect," and insert the word "appoint." In lines four and five, strike out all from and including the word "the," until and including the word "passage."

Mr. Roberts was speaking on his substitute—when Mr. Evans raised the point of order that he had consumed five minutes.

The President decided that the notice to reconsider, given by Messrs. Pierce and Hawes, suspended the effect of the resolution for to-day.

Messrs. Pierce and Hawes' notice to reconsider was ruled out of order, on the ground that they had not voted with the majority.

Mr. Montgomery now gave notice to reconsider.

The President decided the notice to be in order, and that, therefore, the effect of the resolution would be suspended for to-day.

Mr. Gaskill appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Montgomery, Smith, and Wright, and taken, with the following result :

AYES—Messrs. Benton, Cot, Cunningham, Evans, Freeman, Hamilton, Hartson, Haswell, Hawes, Henry, Kutz, Lovett, Montgomery, Pierce, Smith, and Tuttle—17.

NOES—Messrs. Burnell, Crane, Dodge, Foulke, Gaskill, Heacock, Haskin, Jones, Leonard, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—18.

So the Chair was not sustained.

The consideration of Senate bill No. 305 was resumed.

Mr. Roberts' substitute was adopted.

Mr. Gaskill moved to strike out section one, and insert the following :

"SECTION 1. Section first of said Act is hereby amended so as to read as follows :

"Section 1. Messrs. George Tait, J. A. Benton, Ira P. Rankin, P. B. Clark, and B. H. Randolph, are hereby constituted and appointed a Board of Trustees for the State Deaf, Dumb, and Blind Asylum, whose term of office shall be for two years, and until their successors are appointed and qualified."

On the adoption of which, the ayes and noes were demanded, by Messrs. Gaskill, Moyle, and Crane, and taken, with the following result :

AYES—Messrs. Benton, Cot, Crane, Cunningham, Freeman, Gaskill, Hall, Hamilton, Hawes, Henry, Haskin, Maddox, Meyers, Pierce, Porter, Shafter, Smith, and Wright—18.

NOES—Messrs. Buckley, Dodge, Evans, Hartson, Heacock, Kutz, Leonard, Moyle, Redington, Roberts, and Rush—11.

So the amendment was adopted.

On motion of Mr. Crane, the name of "P. B. Clark" was stricken out, and the name of "H. P. Coon" inserted in place thereof.

Mr. Hawes moved to strike out of section thirteen the words "not more than ten miles from the Plaza in the City of San Francisco."

The amendment was rejected.

Mr. Hawes moved to amend, by striking out all after the first section down to section twenty-first, and insert as follows :

"SECTION 2. The appropriation of seventy-five thousand dollars, made by the Act entitled an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three, and the issuance of the bonds therein mentioned, are hereby suspended until the further action of the Legislature."

The amendment was adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Senate bill No. 380—returned to file.

Senate bill No. 122, an Act for the relief of the line officers of the California volunteers in the service of the United States.

Mr. Shafter moved to refer to a special committee, consisting of the Senator from Tuolumne, with instructions to amend, by adding to the section "such warrants shall not be assignable."

The motion to recommit was carried.

The bill was reported back amended.

On the passage, the ayes and noes were demanded, by Messrs. Evans, Pierce, and Shafter, and taken, with the following result :

AYES—Messrs. Benton, Hall, Haskin, Lovett, Meyers, Montgomery, Pierce, Porter, Redington, Roberts, Shepard, Smith, Wright, and Yule—14.

NOES—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Evans, Gaskill, Hale, Hamilton, Haswell, Kutz, Leonard, Maddox, McMurtry, Moyle, Shafter, and Tuttle—17.

So the bill was rejected.

Mr. Evans gave notice of a motion to reconsider the above vote.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 352, an Act to amend the Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two ;

Also, Senate bill No. 381, an Act to change the name of Andrew Smith to Andrew Hallidie ;

Also, Senate bill No. 267, an Act providing for the time of holding the County and Probate Courts in the Counties of Alameda and Napa ;

Also, Senate bill No. 387, an Act to change the names of Amasa Maurice Craig and Laura Craig ;

Also, Senate bill No. 293, an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, Senate bill No. 315, an Act in relation to the office of Superintendent of Common Schools in San Diego County ;

Also, Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City ;

Also, Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonoma to levy a special tax for the benefit of the Fire Department ;

Also, Senate bill No. 351, an Act granting to certain parties the right to construct a wagon road in the County of Tulare ;

And this, the twenty-eighth day of March, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 350, an Act to regulate the times of holding the terms and sessions of the County Court, Probate Court, and the Board of Supervisors of the County of San Mateo ;

Also, Senate bill No. 186, an Act amendatory of and supplemental to



an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 215, an Act supplemental to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two;

Also, Senate bill No. 283, an Act to regulate fees in the County of Fresno;

Also, Senate bill No. 61, an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of record in this State, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 212, an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 227, an Act to amend an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two;

Also, Senate bill No. 87, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, approved April eleventh, eighteen hundred and sixty-two;

Also, Senate bill No. 150, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three;

Also, Senate bill No. 214, an Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco;

Also, Senate bill No. 118, an Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two;

Also, Senate bill No. 269, an Act to prevent hogs running at large in certain counties of this State;

Also, Senate bill No. 284, an Act to fix the compensation of the District Attorney for the County of Fresno;

Also, Senate bill No. 216, an Act in relation to the Recorder of the City of Petaluma;

Also, Senate bill No. 265, an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 28th, 1864. }

*To the Senate of the State of California:* •

I have to inform your honorable body that I have approved Senate

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bill No. 229, an Act to provide for a survey of the boundary line between Calaveras and San Joaquin Counties;

Also, Senate bill No. 273, an Act to amend an Act entitled an Act to provide for the retention of the hides of cattle killed or slaughtered in certain counties in this State, approved April twentieth, eighteen hundred and sixty-three;

Also, Senate bill No. 292, an Act explanatory of and supplemental to an Act entitled an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two;

Also, Senate bill No. 203, an Act to provide for the erection of a Jail and the repair of the Court-house in the County of Alameda;

Also, Senate bill No. 144, an Act concerning suits wherein the State is a party;

Also, Senate bill No. 245, an Act to authorize the City and County of San Francisco to convey certain real estate to the State of California;

Also, Senate bill No. 127, an Act amendatory of the Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amending the same;

Also, Senate bill No. 337, an Act to authorize the Board of State Harbor Commissioners to employ Counsel in San Francisco;

Also, Senate bill No. 173, an Act to appropriate money to pay certain claims;

Also, Senate bill No. 294, an Act to provide for the redemption of the funded indebtedness of the City of Sacramento;

Also, Senate bill No. 363, an Act to authorize the Board of Supervisors of Placer County to appropriate money from the General Fund of said county;

Also, Senate bill No. 324, an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento;

Also, Senate bill No. 281, an Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road;

Also, Senate bill No. 295, an Act supplementary to an Act entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, eighteen hundred and fifty-three;

Also, Senate bill No. 264, an Act to enable the County of Los Angeles to reduce expenses and pay off its floating debt.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 28th, 1864. }

*To the Senate of the State of California:*

I herewith return, without my approval, Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.

The Act of April twenty-seventh, eighteen hundred and sixty-three, granted to certain parties therein named the franchise for a toll road for the term of twenty years.

The bill under consideration extends the franchise to twenty-five years, and also extends the time for the completion of the road.

Twenty years seems to have been settled upon as a maximum of time

for any toll road franchise, judging by the previous legislation on this subject, and I can see no good reason for extending it in this case.

FRED'K F. LOW,

Governor.

Senate bill No. 285, above reported, was taken up.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Evans, Freeman, Gaskill, Hale, Hall, Hamilton, Haswell, Hawes, Haskin, Jones, Kutz, Lovett, Maddox, Meyers, Montgomery, Moyle, Pierce, Porter, Roberts, Rush, Shafter, Shepard, Smith, Tuttle, Wright, and Yule—31.

NOES—None.

So the bill passed, notwithstanding the objections of the Governor:

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 26th, 1864. }

Mr. PRESIDENT:—The Assembly this day amended and passed Senate bill No. 358, an Act to provide for the settlement of certain land claims within the City and County of San Francisco.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1864. }

Mr. PRESIDENT:—The Assembly this day passed Assembly bill No. 457, an Act to encourage the construction of telegraph lines so far as to place the Colorado River in telegraphic communication with the City of San Francisco;

Also, on the twenty-sixth instant, passed Senate bill No. 297, an Act supplementary to the Act entitled an Act concerning crimes and punishments.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1864. }

Mr. PRESIDENT:—The Assembly has this day passed Senate bill No. 316, an Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego;

Also, passed Senate bill No. 364, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, concurred in Senate amendments to Assembly bill No. 59, an Act to divide the State into Congressional Districts, and fixing the time to elect Representatives to Congress;

Also, concurred in Senate amendments to Assembly bill No. 237, an Act to divide the County of Placer into Supervisor and Revenue Dis-

tricts, and to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters relating thereto.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-second instant, passed Assembly bill No. 219, an Act to confirm and legalize certain assessment rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon;

Also, on the twenty-third instant, passed Assembly bill No. 424, an Act to regulate the fees of officers of the County of Trinity;

Also, on the twenty-fourth instant, passed Assembly bill No. 427, an Act relating to the First Judicial District, and to fix the time of holding the Courts in said district;

Also, on the twenty-third instant, passed Assembly bill No. 442, an Act to authorize Phineas Banning, his associates and assigns, to construct a watercourse from San Gabriel River to Camp Drum and the Town of Wilmington, in the County of Los Angeles;

Also, same day, passed Assembly bill No. 428, an Act fixing the salaries of the county officers of Nevada County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-sixth instant, passed Assembly bill No. 402, an Act to grant to the San Francisco Cordage Company the right to construct a wharf in the Bay of San Francisco.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate concurred in Assembly amendment to Senate bill No. 364, above reported.

Senate concurred in Assembly amendment to Senate bill No. 358, above reported.

Assembly bill No. 402, above reported, read first and second times, and placed on file.

Assembly bill No. 219, above reported, read first and second times, and placed on file.

Assembly bill No. 424, above reported, read first and second times, and placed on file.

Assembly bill No. 427, above reported, read first and second times, and placed on file.

Assembly bill No. 428, above reported, read first and second times, and placed on file.

Assembly bill No. 442, above reported, read first and second times, rules suspended, the bill considered as in Committee of the Whole, reported back without amendment, read third time and passed.

Assembly bill No. 457, above reported, read first and second times, and referred to the Committee on Corporations.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Burnell, for an Act defining the legal distances from the county seat of Alpine County to the Capital, Lunatic Asylum, and State Prison.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, passed, Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

Also, for an Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight, approved April eighth, A. D. eighteen hundred and sixty-three.

Read first and second times, and placed on file.

Also, for an Act to provide for the election of Supervisors in the County of Amador.

Read first and second times, and placed on file.

By Mr. Smith, for an Act to attach Lassen County to the Third Congressional District.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed, Forty-Fifth Rule suspended, and the bill ordered transmitted to the the Assembly immediately.

By Mr. Tuttle, for an Act to change and fix the time of holding the Probate Court in the County of San Bernardino.

Read first and second times, and placed on file.

By Mr. Jones, for an Act to amend an Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, and placed on file.

## MOTIONS, RESOLUTIONS, ETC.

Mr. Cunningham offered the following resolution :

*Resolved*, That Assembly bill No. 176 be placed second on the file for to-morrow.

On the adoption of which, the ayes and noes were demanded, by Messrs. Lovett, Pierce, and Henry, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Evans, Foulke, Freeman, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Lovett, Maddox, Montgomery, Pierce, Porter, Roberts, Rush, Smith, Tuttle, and Wright—27.

NOES—Messrs. Crane, Dodge, Gaskill, Hamilton, Jones, Leonard, McMurtry, Meyers, Moyle, Redington, Shafter, Shepard, and Yule—13.

So the resolution was adopted.

Mr. Crane offered the following resolution :



*Resolved*. That the Secretary be and he is hereby instructed to arrange the file by placing first in order Senate bills, engrossed; second, Assembly bills; third, bills reported from committees; and, lastly, bills introduced and ordered on file.

Mr. Yule moved the previous question.

Seconded.

The question being "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Hawes, Montgomery, and Pierce, and the roll was called, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—23.

NOES—Messrs. Benton, Buckley, Cot, Evans, Freeman, Hale, Hamilton, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Wright—16.

So the main question was demanded.

On the adoption of the resolution, the ayes and noes were demanded, by Messrs. Pierce, Hawes, and Montgomery, and roll called, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—25.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hamilton, Hartson, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Tuttle—15.

So the resolution was adopted.

Mr. Hawes raised the point of order that the resolution was of that character that requires a two third vote to adopt.

The Chair (Mr. Evans) decided the point of order not well taken.

Mr. Hawes appealed from the decision of the Chair.

Mr. Yule moved the previous question.

The question being "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Hawes, Montgomery, and Pierce, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hartson, Heacock, Haskin, Jones, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—25.

NOES—Messrs. Cot, Evans, Freeman, Hamilton, Hawes, Henry, Maddox, Montgomery, Pierce, and Rush—10.

So the main question was demanded.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Montgomery, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill,

Hall, Haswell, Heacock, Haskin, Jones, Leonard, Lovett, McMurtry, Meyers, Moyle, Redington, Roberts, Shafter, Shepard, and Yule—21.

NOES—Messrs. Benton, Buckley, Cot, Freeman, Hale, Hamilton, Hartson, Hawes, Henry, Maddox, Montgomery, Pierce, Porter, Rush, and Wright—15.

So the Chair was sustained.

Mr. Crane offered the following resolution :

*Resolved*, That the Senate will take a recess from five until seven o'clock P. M.

Mr. Shafter moved to amend by adding "during this session of this Legislature."

On the adoption of the amendment, the ayes and noes were demanded, by Messrs. Roberts, Yule, and Leonard, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Dodge, Foulke, Hale, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—23.

NOES—Messrs. Benton, Cot, Cunningham, Evans, Freeman, Gaskill, Hamilton, Hawes, Henry, Kutz, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Wright—17.

So the amendment was adopted.

On the adoption of the resolution as amended, the ayes and noes were demanded, by Messrs. Hawes, Henry, and Montgomery, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Dodge, Foulke, Hale, Hall, Haswell, Heacock, Haskin, Jones, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—21.

NOES—Messrs. Benton, Cot, Cunningham, Evans, Freeman, Gaskill, Hamilton, Hartson, Hawes, Henry, Kutz, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, Tuttle, and Wright—19.

So the resolution was adopted.

Mr. Wright offered the following resolution :

*Resolved*, That new bills shall not be introduced on and after the twenty-ninth instant, unless by a two thirds vote.

Laid on the table.

Mr. Hawes offered the following resolution :

*Resolved*, That the following additional rule be adopted as a Standing Rule of the Senate :

"Bills on or belonging to the Special and Local File shall be called up for consideration in their regular order thereon. After the Clerk shall have read the number and title of each bill in its order, the President shall inquire whether there is any objections to the bill, or any amendment to be offered to it, and request the objectors to rise to their feet.

If two or more Senators rise accordingly, the bill shall be passed over without debate. If there be not two or more objectors, then the bill shall be considered. This rule shall not be suspended, except by unanimous consent, and then only for five minutes."

Laid on the table.

#### GENERAL FILE.

Senate bill No. 207, an Act to establish Pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia.

Mr. Crane moved to recommit the bill to the Committee on Commerce and Navigation, with instructions to insert the following amendments:

In section three, insert after the word "President," "and one as Vice President;" after "of the Board," "either of whom," and erasing "who;" and third line, in place of the words "he is," "they are."

In section five, after the word "*provided*," add "under penalty of forfeiture of their commission and appointment."

In section eight, second line, to read "President or Vice-President of the Board."

In section nine, insert after "condition," "of not less than forty tons registered measurement, and also after inspection and approval."

In section thirteen, strike out in first line, "for more than one month at any time."

Insert in section seventeen, in place of section seventeen in present bill:

"The Board of Examiners shall entertain complaints against Pilots, or persons claiming to act as such, for any violation, negligence, or ignorance of duty, for any misconduct while in charge of a vessel, or in other duty, or for any infraction of this Act, or of the by laws of the Board. The complaint shall be a brief statement of facts, verified before the Secretary; whereupon a copy of such complaint shall be furnished to the Pilot complained of, and he shall be summoned to appear before the Board for trial or investigation within ten days thereafter. But should it appear to the Board of Examiners that a Pilot has met with some accident, or been guilty of some misconduct, which in their opinion requires investigation, but in regard to which no person has made complaint, it shall in such case be the duty of the Examiners to enter upon their minutes a statement of the matter which they intend to investigate, and the name of the Pilot concerned; whereupon, the Secretary shall serve a copy of such statement upon the Pilot, with a summons to appear before the Board for trial or investigation within ten days thereafter—in the same manner as though a written and sworn complaint had been made. When Pilots, after due trial or investigation, as herein provided, are found guilty of any of the offences named in this Act, the Board of Examiners may proceed to impose the penalty of suspension, or fine not exceeding one hundred dollars, or both fine and suspension, or of revocation of license, as shall to them appear just and proper in the case. Any fine imposed by the Examiners may by them, in the name of the President of the Board, be sued for and recovered in any civil Court having jurisdiction. Whenever the Examiners shall summons a Pilot for trial or investigation, they may, should they deem proper, at the same time suspend him from duty till such trial or investigation shall have taken place."

In section twenty-one strike out of second line the words "or from the harbor of San Francisco to or from Mare Island or Benicia."

In section twenty-three add, "the Pilot first offering services, or one connected with the same boat, shall have the preference outward, if a Pilot outward is employed."

In section twenty-four insert and add, in first line, "s" to "rate," before "pilotage," and after "pilotage," erase "into or out of;" insert after "pilotage," "into and not exceeding the same rates out of;" and add, "from the harbor of San Francisco to or from Mare Island or Benicia." Strike out, "and four cents per ton for each and every ton of registered measurement" after close of sentence "per foot draft."

Mr. Hawes moved to recommit, with further instructions to strike out all after the twenty-third section, and insert the following:

"The rates of pilotage shall be the same as now established by law."

The amendment was rejected.

Mr. Pierce moved to insert, with instructions, after the word "thereof," in section five, line two, the words "or the California Steam Navigation Company."

The amendment was rejected.

On the recommitment, with instructions, the ayes and noes were demanded, by Messrs. Crane, Foulke, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Evans, Hale, Hawes, Meyers, Pierce, and Smith—11.

NOES—Messrs. Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Montgomery, Moyle, Porter, Redington, Roberts, Rush, Shafter, Tuttle, Wright, and Yule—25.

So the motion was lost.

Mr. Montgomery now moved the previous question.

The main question was demanded by a vote of the Senate.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Crane, Evans, and Hawes, and taken, with the following result:

AYES—Messrs. Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Redington, Roberts, Rush, Shafter, Smith, Tuttle, Wright, and Yule—27.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Evans, Hale, Hawes, Pierce, Porter, and Shepard—11.

So the bill passed.

Mr. Evans gave notice of a motion to reconsider the above vote.

Senate bill No. 271, an Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March in the years A. D. eighteen hundred and sixty-two and A. D. eighteen hundred and sixty-three, in the several counties of this State—read third time, and passed.

Senate bill No. 258, an Act supplementary to an Act entitled an Act



to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—read third time, and passed.

Mr. Roberts gave notice of a motion to reconsider.

Senate bill No. —, an Act to prevent the sale of intoxicating liquors on certain days of election to be held in this State—read third time.

On the passage, the ayes and noes were demanded, by Messrs. Maddox, Henry, and Benton, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Cunningham, Dodge, Hale, Hartson, Haswell, Heacock, Haskin, Leonard, Lovett, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—21.

NOES—Messrs. Burnell, Crane, Foulke, Freeman, Gaskill, Hamilton, Hawes, Jones, Kutz, Maddox, Moyle, Pierce, Rush, Smith, and Wright—15.

So the bill passed.

Senate bill No. 26, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three—read third time, and passed.

Senate bill No. 14, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hawes, Montgomery, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Gaskill, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Redington, Roberts, Shafter, and Shepard—24.

NOES—Messrs. Evans, Foulke, Freeman, Hamilton, Haskin, Jones, Kutz, Montgomery, Pierce, Porter, Rush, Smith, Tuttle, Wright, and Yule—15.

So the bill passed.

Mr. Hawes gave notice of a motion to reconsider the above vote.

Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to the State for military and other purposes, and other matters relating thereto—read third time.

On the final passage of the bill, the ayes and noes were demanded, by Messrs. Smith, Evans, and Gaskill, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Montgomery, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—26.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hale, Hamilton, Lovett, Maddox, Pierce, Rush, Smith, and Wright—12.

So the bill passed.

Mr. Montgomery gave notice of a motion to reconsider the above vote.

Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same.

Mr. Hartson moved to recommit the bill to a special committee, with instructions to insert after the word "river," in line five, section one, (printed bill,) the words, "and also, the San Francisco and Marysville Railroad."

Mr. Redington moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Hartson, Evans, and Hale, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Dodge, Hall, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Yule—20.

NOES—Messrs. Benton, Buckley, Cot, Cunningham, Evans, Foulke, Gaskill, Hale, Hamilton, Hartson, Hawes, Lovett, Maddox, Montgomery, Moyle, Rush, and Wright—17.

So the motion was carried.

The main question was then demanded.

The question being on the recommitment, the ayes and noes were demanded, by Messrs. Evans, Hartson, and Yule, and taken, with the following result :

AYES—Messrs. Benton, Cot, Cunningham, Evans, Foulke, Freeman, Gaskill, Hartson, Haswell, Maddox, Montgomery, Moyle, Pierce, Rush, and Wright—15.

NOES—Messrs. Buckley, Burnell, Crane, Dodge, Hale, Hall, Hamilton, Hawes, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Yule—24.

So the motion was lost.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hartson, Yule, and Gaskill, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Tuttle, and Yule—28.

NOES—Messrs. Buckley, Cot, Evans, Foulke, Freeman, Hamilton, Hawes, Maddox, Montgomery, Pierce, Rush, and Wright—12.

So the bill passed.

Mr. Hartson gave notice of a motion to reconsider the above vote.

At five o'clock P. M., the Senate adjourned for a recess until seven o'clock.

## EVENING SESSION.

The President called the Senate to order at seven o'clock.

Roll called.

Quorum present.

## GENERAL FILE RESUMED.

Senate bill No. 385, an Act supplementary to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

On its indefinite postponement, the ayes and noes were demanded, by Messrs. Hawes, Wright, and Henry, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Hartson, Heacock, Haskin, Jones, Leonard, Redington, Smith, and Yule—14.

NOES—Messrs. Cot, Hamilton, Haswell, Hawes, Henry, Maddox, McMurtry, Moyle, Porter, Roberts, Shepard, and Wright—12.

So the bill was indefinitely postponed.

Senate bill No. 389, an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds—read third time, and passed.

Senate bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six.

The bill having been ordered second on file for to-morrow, the Chair decided that the consideration of the bill is not in order prior to the time fixed.

Mr. Evans appealed from the decision of the Chair.

The Chair was sustained.

Assembly concurrent resolution No. 40, concerning the admission of materials for the construction of telegraphic lines, etc.—indefinitely postponed.

Assembly bill No. 322, an Act to provide for taking the State census.

Mr. Yule moved to strike out the enacting clause.

Mr. Gaskill moved to lay the bill on the table.

On which, the ayes and noes were demanded, by Messrs. Pierce, Lovett, and Hawes, and taken, with the following result:

AYES—Messrs. Burnell, Cot, Evans, Foulke, Gaskill, Hamilton, Haswell, Henry, Haskin, Jones, Leonard, Maddox, Montgomery, Rush, Shepard, and Yule—16.

NOES—Messrs. Benton, Buckley, Crane, Dodge, Hall, Hartson, Hawes, Heacock, Kutz, Lovett, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Smith, and Wright—20.

So the motion was lost.

The amendment of the special committee to section twelve, line four,

to wit: Strike out the words "current year," and insert the words "in the year in which the census is required to be taken."

Amendment adopted.

The committee offered to amend by striking out section six, and inserting the following:

"The several Assessors shall be allowed for their service under this Act a reasonable compensation in proportion to the additional labor required, to be ascertained and fixed by the Board of Supervisors, which shall in no case exceed one third the aggregate amount allowed for all services in the assessment of property, and making up and completing the assessment roll of the county for the same year; and the proportionate amount of labor performed and compensation allowed as aforesaid under this Act shall be estimated and apportioned by the Board of Supervisors, and be paid by the State; *provided*, that in cases where Assessors are paid for their services by the day, no greater compensation per diem shall be allowed them for all official services, (including those performed under this Act,) than the law now allows."

On motion of Mr. Burnell, the following amendment to section six was adopted, to wit:

"And, further, *provided*, that in counties where there are Township Assessors, the Board of Supervisors may allow them an amount not to exceed seventy-five dollars each."

Mr. Wright moved to amend section six by striking out the word "third," and inserting the word "half."

Amendment rejected.

The amendment as amended was then rejected.

The amendment to section seven proposed by the committee, to wit: to strike out section seven, and insert the following:

"The Board of Supervisors of each county shall certify to the Controller of State a detailed statement of the labor performed by the Assessor or Assessors, and the compensation allowed and apportioned to the State under this Act; and the same having been examined and approved by the Controller, he shall draw his warrant on the Treasurer of State for the amount so allowed and apportioned, to be paid out of any moneys in the Treasury not otherwise appropriated."

Amendment rejected.

Mr. Foulke moved to lay the bill on the table.

On which, the ayes and noes were demanded, by Messrs. Foulke, Jones, and Wright, and taken, with the following result:

AYES—Messrs. Burnell, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Haswell, Haskin, Jones, Leonard, Maddox, Montgomery, Rush, Shepard, and Yule—16.

NOES—Messrs. Benton, Buckley, Cot, Crane, Dodge, Hall, Hartson, Hawes, Kutz, Lovett, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Smith, and Wright—20.

So the motion was lost.

W. Wright moved to amend by adding the following, as section six:



"Section 6. The Assessors in the several counties shall take the census, and shall be allowed such pay for their services as the Board of Supervisors in their separate counties may deem just; *provided*, that they shall not receive over one third of what they receive for assessing."

Mr. Yule moved to lay the amendment on the table.

On which, the ayes and noes were demanded, by Messrs. Wright, Hawes, and Maddox, and taken, with the following result:

AYES—Messrs. Burnell, Evans, Foulke, Freeman, Gaskill, Hamilton, Haskin, Jones, Leonard, Maddox, Montgomery, Rush, Shepard, and Yule—14.

NOES—Messrs. Benton, Buckley, Cot, Crane, Hall, Hartson, Haswell, Hawes, Heacock, Kutz, Lovett, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Smith, and Wright—21.

So the motion was lost.

Mr. Burnell moved to add to Mr. Wright's amendment the following:

"And, *provided*, further, that in the Counties of Amador and El Dorado the Township Assessors shall not receive a compensation exceeding one hundred dollars each."

The amendment was rejected.

Mr. Shafter moved to strike out the proviso offered by Mr. Wright, and insert the following:

"*Provided*, the sum allowed shall not exceed one hundred dollars for taking the census in each township in those counties where Township Assessors are appointed, and not more than one third the amount allowed for taking the assessments in all other counties."

The amendment was accepted.

Amendment as amended adopted.

Mr. Roberts moved to amend by adding the following additional section:

"That every wilful neglect, failure, or refusal of any officers named in this Act to perform the duties herein prescribed shall be deemed a misdemeanor, and upon conviction thereof shall be punished by fine in any sum not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment."

The amendment was adopted.

Mr. Yule moved the previous question.

The question being, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Gaskill, Yule, and Hamilton, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Dodge, Evans, Foulke, Hale, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Montgomery, Moyle, Porter, Redington, Roberts, Shafter, Smith, and Wright—28.

NOES—Messrs. Freeman, Gaskill, Hamilton, Maddox, Pierce, and Yule—6.

So the main question was demanded.

The question being on striking out the enacting clause, the ayes and noes were demanded, by Messrs. Evans, Haskin, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Maddox, Montgomery, Pierce, Rush, and Yule—16.

NOES—Messrs. Benton, Buckley, Crane, Dodge, Hall, Hartson, Haswell, Heacock, Kutz, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Smith, and Wright—19.

So the motion was lost.

The bill was then considered as in Committee of the Whole, and reported back without amendment.

Mr. Wright moved the previous question, and the main question was demanded.

On ordering the bill read a third time, the ayes and noes were demanded, by Messrs. Gaskill, Yule, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Crane, Dodge, Hall, Hartson, Haswell, Heacock, Kutz, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Smith, and Wright—19.

NOES—Messrs. Burnell, Cot, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Haskin, Jones, Leonard, Maddox, Montgomery, Pierce, Rush, and Yule—16.

So the bill was ordered read third time.

The bill was then read a third time, and passed.

Mr. Porter gave notice of a motion to reconsider the vote by which the Senate this day indefinitely postponed Assembly concurrent resolution No. 40.

Mr. Wright, by leave, introduced a bill for an Act for the relief of the General Fund of the State Treasury.

Read first and second times.

Mr. Wright moved to suspend the rules, consider the bill engrossed, and place it upon its third reading now.

Mr. Hawes moved to refer the bill to the Committee on Public Morals.

The motion was lost.

On the suspension of the rules, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Haswell, Heacock, Haskin, Jones, Leonard, Lovett, Meyers, Montgomery, Roberts, Smith, Wright and Yule—23.

NOES—Messrs. Evans, Hartson, Hawes, Maddox, Moyle, Pierce, Porter, Redington, Rush, Shafter, and Shepard—11.

So the motion prevailed.

Mr. Pierce moved to recommit the bill to a special committee of three, with instructions to strike out all provisions of the bill authorizing the Treasurer to receive, of the Commissioner of Emigration, currency now in his hands.

The motion was lost.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hawes, Moyle, and Pierce, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Foulke, Gaskill, Hale, Haswell, Heacock, Jones, Leonard, Lovett, Meyers, Montgomery, Roberts, Smith, Wright, and Yule—18.

NOES—Messrs. Benton, Dodge, Evans, Freeman, Hall, Hamilton, Hawes, Haskin, Maddox, Moyle, Pierce, Porter, Redington, Rush, Shafter, and Shepard—16.

So the bill passed.

Assembly bill No. 190, an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain Overflowed Lands in the City and County of San Francisco.

Pending the consideration of the bill as in Committee of the Whole, on motion of Mr. Hawes, at ten o'clock and ten minutes P. M., the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 29th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Gallagher.

Journal of yesterday read and approved.

Mr. Leonard moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto.

Mr. Leonard not having given the notice of a motion to reconsider, the President ruled the motion to be out of order.

From which decision Mr. Hawes appealed.

During the course of the debate, Mr. Montgomery used language to which Mr. Redington took exceptions.

The Secretary took down the language to which exceptions were taken, as follows:

“Measures passed this body, on yesterday, by a species of legerdemain dishonorable to any legislative body.”

The language was accepted by Mr. Montgomery as the words used by him, and stated that he had prefaced his remarks, and that he then stated

that he attributed no dishonorable motives to members, or to the Senate collectively.

The question being, "Is the explanation of the Senator satisfactory?"

Mr. Hawes was speaking to the question, when—

Mr. Shafter excepted to certain language.

The Secretary took down the following as the exceptionable language:

"The legislation of the Senate has, for the last few days, been disgraceful to the Senate and disgraceful to the State."

Mr. Hawes denied that to be the language used by him.

The question being, "Is the language above quoted the language used?" the vote was taken, and it was decided not to be the language used.

Mr. Redington presented the following as the exceptionable language, to wit:

"However pure the motives, the results of the action of this body for the last few days have been disgraceful to the people of the State and to the Senate."

Mr. Hawes denied using the language.

The question being, "Is that the language used by the Senator?" the ayes and noes were demanded, by Messrs. Montgomery, Pierce, and Smith, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Dodge, Evans, Foulke, Gaskill, Haswell, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Porter, Redington, Roberts, Shafter, Wright, and Yule—19.

NOES—Messrs. Benton, Buckley, Cot, Freeman, Hamilton, Hartson, Heacock, Henry, Montgomery, Moyle, Pierce, Rush, Shepard, Smith, and Tuttle—15.

So it was declared to be the language used.

On motion of Mr. Roberts, the above vote was reconsidered.

Mr. Hawes spoke to the question, and denied the language.

Mr. Porter moved to postpone the whole subject matter until Monday morning, April fourth.

The motion was lost.

Mr. Moyle moved the previous question.

The main question was demanded.

On the question, "Is the language above mentioned the language used by the Senator?" the ayes and noes were demanded, by Messrs. Montgomery, Henry, and Buckley, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Jones, Kutz, Leonard, Lovett, Meyers, Moyle, Redington, Roberts, Shafter, and Yule—18.

NOES—Messrs. Benton, Buckley, Cot, Freeman, Heacock, Henry, Montgomery, Pierce, Shepard, and Smith—12.

So it was declared to be the language used.

The question being, "Is the explanation of the Senator satisfactory?" the ayes and noes were demanded, by Messrs. Evans, Smith, and Foulke, and taken, with the following result:



AYES—Messrs. Benton, Buckley, Cot, Evans, Freeman, Hale, Hall, Henry, Lovett, McMurtry, Montgomery, Moyle, Pierce, Rush, Shepard, Smith, and Wright—17.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Haswell, Heacock, Jones, Kutz, Leonard, Meyers, Porter, Redington, Roberts, Shafter, and Yule—17.

The President voted "aye," and the explanation was decided to be satisfactory.

Mr. Montgomery made an explanation of his exceptionable language, which was deemed satisfactory by a vote of the Senate.

The question now being on Mr. Gaskill's motion to indefinitely postpone the motion made by Mr. Leonard to reconsider the vote by which the Senate yesterday passed Senate bill No. 347—

Mr. Smith, on speaking to the question, having exhausted the time allowed, a motion was made that he be allowed to proceed.

A majority having voted in favor of the motion, the President decided that it required a two thirds vote to grant leave to proceed.

Mr. Benton appealed from the decision of the Chair.

The decision of the Chair was sustained.

Mr. Yule moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Burnell, Heacock, and Jones, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hall, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—25.

NOES—Messrs. Benton, Cot, Freeman, Hale, Hamilton, Hartson, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Wright—15.

So the motion was carried.

The main question was then demanded.

Mr. Smith moved the Senate do now adjourn.

The President decided that the Senate was operating under the previous question, therefore the motion was out of order.

Mr. Benton appealed from the decision of the Chair.

The question then being, " Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Benton, Pierce, and Montgomery, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Haswell, Hawes, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, Wright, and Yule—26.

NOES—Messrs. Benton, Evans, Henry, Montgomery, Pierce, and Smith—6.

So the Chair was sustained.

The question now being on the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded, by Messrs. Pierce, Hawes, and Smith, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans,

Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Tuttle, and Yule—26.

NOES—Messrs. Benton, Cot, Freeman, Hale, Hamilton, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Smith, and Wright—14.

So the motion to reconsider was indefinitely postponed.

Mr. Evans moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States.

Mr. Crane moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Pierce, Smith, and Evans, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Gaskill, Hall, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Tuttle, and Yule—23.

NOES—Messrs. Benton, Cot, Evans, Freeman, Hale, Hamilton, Hartson, Hawes, Henry, Lovett, Maddox, Montgomery, Pierce, Rush, Shepard, Smith, and Wright—17.

So the motion was seconded.

The main question was then demanded.

On the reconsideration, the ayes and noes were demanded, by Messrs. Evans, Hall, and Yule, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Evans, Foulke, Freeman, Hall, Hartson, Hawes, Heacock, Henry, Haskin, Jones, Maddox, McMurtry, Meyers, Montgomery, Pierce, Porter, Redington, Roberts, Rush, Shepard, Smith, Tuttle, Wright, and Yule—26.

NOES—Messrs. Burnell, Cot, Crane, Cunningham, Dodge, Gaskill, Hale, Hamilton, Haswell, Kutz, Leonard, Lovett, Moyle, and Shafter—14.

So the vote was reconsidered.

The question now being on the passage of the bill, the ayes and noes were demanded, by Messrs. Evans, Smith, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Crane, Evans, Foulke, Freeman, Hall, Hartson, Heacock, Henry, Haskin, Jones, Lovett, Maddox, Meyers, Montgomery, Porter, Redington, Roberts, Rush, Shepard, Smith, Tuttle, Wright, and Yule—25.

NOES—Messrs. Burnell, Cot, Cunningham, Dodge, Gaskill, Hale, Hamilton, Haswell, Kutz, Leonard, McMurtry, Moyle, Pierce, and Shafter—14.

So the bill passed.

Mr. Crane moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same.

Mr. Kutz moved to indefinitely postpone the motion.

Mr. Wright moved to lay the whole subject matter on the table.

On which, the ayes and noes were demanded, by Messrs. Evans, Hartson, and Crane, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Evans, Foulke, Freeman, Gaskill, Hamilton, Hartson, Hawes, Henry, Jones, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Wright—19.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Hale, Hall, Haswell, Heacock, Haskin, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—21.

So the motion was lost.

Mr. Leonard moved the previous question.

The motion prevailed.

The main question was demanded.

The question now being on the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded, by Messrs. Hartson, Hawes, and Pierce, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Hall, Haswell, Heacock, Haskin, Kutz, Leonard, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—20.

NOES—Messrs. Benton, Buckley, Cot, Evans, Foulke, Freeman, Gaskill, Hamilton, Hartson, Hawes, Henry, Jones, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Wright—19.

So the motion to reconsider was indefinitely postponed.

Mr. Porter moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly concurrent resolution No. 40, concerning the admission of material for the construction of telegraph lines, etc.

On which, the ayes and noes were demanded, by Messrs. Hale, Gaskill, and Lovett, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hall, Hartson, Hawes, Heacock, Kutz, Montgomery, Moyle, Porter, Redington, Rush, Shafter, and Wright—19.

NOES—Messrs. Benton, Buckley, Crane, Evans, Haswell, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Pierce, Roberts, Shepard, Smith, Tuttle, and Yule—19.

So the motion was lost.

Mr. Roberts moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 258, an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Leonard moved the previous question.

On the question, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Hawes, Wright, and Smith, and taken, with the following result :

AYES—Messrs. Burnell, Dodge, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shepard, and Yule—18.

NOES—Messrs. Benton, Buckley, Cot, Crane, Evans, Foulke, Hale, Hall, Hartson, Hawes, Henry, Rush, Shafter, Smith, Tuttle, and Wright—16.

So the motion was carried.

The question being on the reconsideration of the bill, the ayes and noes were demanded, by Messrs. Hawes, Wright, and Roberts, and taken, with the following result :

AYES—Messrs. Burnell, Evans, Heacock, Haskin, Kutz, Leonard, Maddox, Moyle, Roberts, Shepard, Wright, and Yule—12.

NOES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Hawes, Jones, Lovett, McMurtry, Meyers, Pierce, Porter, Redington, Shafter, Smith, and Tuttle—23.

So the motion was lost.

Mr. Dodge moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 207, an Act to establish Pilots and pilot regulations for the ports of San Francisco, Mare Island, and Benicia.

Mr. Yule moved the previous question.

On the question, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Hawes, Rush, and Smith, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Dodge, Foulke, Freeman, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Redington, Roberts, Shafter, Tuttle, Wright, and Yule—26.

NOES—Messrs. Benton, Cot, Crane, Evans, Hawes, Henry, Pierce, Rush, and Smith—9.

So the main question was demanded.

On the motion to reconsider, the ayes and noes were demanded, by Messrs. Hawes, Smith, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cot, Crane, Evans, Hawes, Pierce, Porter, Shepard, and Smith—10.

NOES—Messrs. Dodge, Foulke, Freeman, Gaskill, Hall, Hartson, Haswell, Heacock, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Redington, Roberts, Rush, Shafter, Tuttle, Wright, and Yule—25.

So the motion was lost.

#### REPORTS.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents;

Also, Senate bill No. 254, an Act to amend an Act entitled an Act pro-



viding for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 213, an Act to define the boundary lines of the County of Sutter;

Also, Senate bill No. 335, an Act to provide for the prevention of conflagrations, and the protection of property saved from fire in the City and County of San Francisco;

And on this the twenty-ninth day of March, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Haswell, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 358, an Act to provide for the settlement of certain land claims within the City and County of San Francisco;

Also, Senate bill No. 297, an Act supplementary to the Act entitled an Act concerning crimes and punishments;

And this day, at ten o'clock and twenty minutes A. M., delivered the same to the Governor for his approval.

HASWELL, for Committee.

Mr. Benton presented a petition of citizens of Sacramento, remonstrating against the passage of a certain bill.

Referred to the Sacramento and Placer delegations.

Mr. Maddox, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 305, an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 427, an Act for the relief of the General Fund of the State Treasury.

MADDOX, for Committee.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Assembly bill No. 352, an Act amendatory of and supplemental to an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two, report the same back, and recommend its passage;

Also, Assembly bill No. 411, an Act entitled an Act to amend an Act relating to corporations, passed May eighteenth, eighteen hundred and fifty-three, having considered the same, recommend its passage;

Also, Senate bill No. 419, an Act concerning insurance companies, report the same back, with a recommendation in favor of its passage.

SMITH, Chairman.

Mr. Meyers, Chairman of the Committee on Agriculture, made the following report:

Mr. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 397, an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six, have had the same under consideration, and report it back with the recommendation that it pass.

MEYERS, Chairman.

Mr. Meyers made the following report:

Mr. PRESIDENT:—The San Joaquin delegation, to whom was referred Assembly bill No. 76, an Act to establish and maintain Public Pounds for the better securing of estrays and other stock in the County of San Joaquin, have had the same under consideration, report it back, and recommend its passage.

MEYERS, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 29th, 1864. }

*To the Senate of the State of California:*

Mr. PRESIDENT:—I herewith return, without my approval, Senate bill No. 244, an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two.

The Act of April fourteenth, eighteen hundred and sixty-two, provides that the Commissioners of the Funded Debt, "upon receiving a petition from any person or persons claiming that they, by themselves, their tenants, or the persons through whom they claim or derive possession, have been, from and including the first day of January, eighteen hundred and fifty-five, and still are in the *actual possession* of any of the lands conveyed to the Commissioners of the Funded Debt of the City of San Francisco by the Commissioners of the Sinking Fund of said city," and further reciting that the "claimant or claimants were the purchasers of such lands so claimed by them for a valuable consideration," the Commissioners shall, after satisfying themselves of the facts, as stated in the petition, in a manner provided in said Act, convey to the claimant the lands prayed for, upon payment by the claimant of at least ten per cent of the value of such lands.

The bill under consideration provides that the provisions of the Act of eighteen hundred and sixty-two shall be extended and apply to all persons who claim lands "under title derived from sales on judgments against the City of San Francisco, made prior to February first, eighteen hundred and fifty-two," "the same as though they had been in actual possession or occupation thereof."

This provision seems to me to be so contrary to the established policy of legislation concerning land titles in the City of San Francisco that I am inclined to the opinion that the bill has passed without receiving from those most interested the consideration which its importance demands.

Fictitious and fraudulent claims to lands in San Francisco have been the cause of much trouble and litigation; the effect of these pretended claims being to cloud the title to a large portion of the property in that city.

To remedy this state of affairs, I find that State and municipal legislation—commencing with the Van Ness Ordinance, and ending with the Limitation Act of the present session—make *actual possession* the indispensable requisite to maintain title.

The title to lands purchased at Sheriff's sale under judgments obtained against the city in eighteen hundred and fifty and eighteen hundred and fifty-one, appears to have been definitely passed upon by the decision of the Supreme Court in the case of Hart vs. Burnett, 15 California, 530. In that case the Court decided "that these municipal lands, to which the City of San Francisco succeeded, were held in trust for the public use of that city, and were not, either under the old government or the new, the subject of seizure and sale under execution."

I can see no good that can result from the passage of this bill, the effect of which, in my judgment, will be to unsettle land titles, and encourage litigation. It is undoubtedly desirable that an Act should be passed extending the time for the operation of the Act of eighteen hundred and sixty-two, but no provision should be incorporated in it other than the one extending the time.

FRED'K F. LOW,  
Governor.

The above message and bill were ordered to top of file for Wednesday, March thirtieth, eighteen hundred and sixty-four.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 28th, 1864. }

MR. PRESIDENT:—The Assembly, this day, under a suspension of the rules, amended, considered engrossed, read third time, and passed, Assembly bill No. 223, an Act to provide for the collection of statistics; also, suspended Rule Fifty-Eight, and ordered the same to be transmitted forthwith to the Senate;

Also, this day, passed Senate bill No. 341, an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1864. }

MR. PRESIDENT:—The Assembly, on the twenty-eighth instant, received from the Governor, without his approval, Assembly bills Nos. 247 and 234.



This message was read, the bills again considered by the Assembly, and notwithstanding the objections of the Governor, they were passed by the majority required by the Constitution.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER.

March 29th, 1864. }

Mr. PRESIDENT:—The Assembly, on the twenty-ninth instant, passed Senate bill No. 301, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one ;

Also, amended and passed Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma ;

Also, amended and passed Senate bill No. 290, an Act to fix the compensation of the Board of Supervisors of Sonoma County ;

Also, passed Senate bill No. 299, an Act to confer certain powers on the Board of Supervisors of Sonoma County ;

Also, amended and passed Senate bill No. 169, an Act concerning assessments upon the stock of corporations ;

Also, passed Senate bill No. 421, an Act defining the legal distances from the county seat of Alpine County to the Capital, Lunatic Asylum, and State Prison ;

Also, passed Senate bill No. 332, an Act for the relief of the Burning Moscow Gold and Silver Mining Company ;

Also, passed Senate bill No. 368, an Act concerning corporations ;

Also, passed Senate bill No. 423, an Act to attach Lassen County to the Third Congressional District ;

Also, passed Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money ;

Also, amended and passed Senate bill No. 393, an Act for the relief of the State Agricultural Society ;

Also, passed Assembly bill No. 256, an Act supplementary to and to amend an Act entitled an Act to provide for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 438, an Act supplemental to an Act entitled an Act to amend an Act abolishing the office of County Assessor and establishing the office of Township Assessors in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties, and the duties of the other officers connected with the collection and disbursement of the revenue of said county more clearly, approved April twenty-fourth, eighteen hundred and sixty-two ;

Also, on the twenty-sixth instant, passed Assembly bill No. 447, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers ;

Also, on the twenty-eighth instant, passed Assembly bill No. 436, an Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three ;

Also, passed Assembly bill No. 443, an Act supplemental to an Act



entitled an Act to make certain offices in the County of Calaveras salaried offices, approved April twenty fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 454, an Act to legalize the official bond of J. W. Dickinson, Treasurer of Placer County;

Also, passed Assembly bill No. 445, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and sixty-one.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1864. }

Mr. PRESIDENT :—The Assembly yesterday passed Assembly bill No. 439, an Act concerning the Central Railroad of San Francisco.

O. C. WHEELER,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 342, an Act to authorize Andrew B. Forbes, his associates and assigns, to construct a wharf at Green Point, in the County of Alameda;

Also, this day, passed Senate bill No. 179, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, this day, passed Assembly bill No. 392, an Act supplementary to an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three;

Also, this day, passed Assembly bill No. 126, an Act to amend an Act concerning District Court Reporters for the Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one;

Also, on the twenty-sixth instant, appointed Messrs. Perrin, Clark, and Tukey, a Committee of Conference on the part of the House on Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California;

Also, this day, passed Senate bill No. 365, an act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at San Quentin, for State Prison purposes;

Also, this day, concurred in Senate amendments to Assembly bill No. 322, an Act to provide for taking the State census.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 355, an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates and assigns, therein named.

R. H. DALY,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 392, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 256, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 445, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 454, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 443, above reported, read first and second times, and placed on file.

Assembly bill No. 436, above reported, read first and second times, and placed on file.

Assembly bill No. 438, above reported, read first and second times, and placed on file.

Assembly bill No. 447, above reported, read first and second times, and placed on file.

Assembly bill No. 439, above reported, read first and second times, and referred to the San Francisco delegation, with instructions to report to-morrow.

Assembly bill No. 426, above reported, read first and second times, and placed on file.

Assembly bill No. 223, above reported, read first and second times, and placed on file.

Senate concurred in Assembly amendment to Senate bill No. 169, above reported.

Senate concurred in Assembly amendment to Senate bill No. 287, above reported.

Senate concurred in Assembly amendment to Senate bill No. 393, above reported.

Senate concurred in Assembly amendment to Senate bill No. 290, above reported.

Assembly bill No. 247 above reported, together with the Governor's veto message, ordered to top of the file for to-morrow.

Assembly bill No. 234, above reported, together with the Governor's veto message, ordered to top of the file for to-morrow.

Mr. Burnell made the following report :

MR. PRESIDENT :—Your committee to whom was referred Senate bill No. 425, an Act to provide for the election of Supervisors in the County of Amador, report the same back without amendment, and recommend its passage.

BURNELL, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Gaskill, for an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly immediately.

By Mr. Jones, for an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California.  
Read first and second times, and placed on file.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Cot, the committee to whom was referred Assembly bill No. 104, were instructed to report the same back, and the bill be placed on file.

Mr. Meyers offered a concurrent resolution relative to a Joint Convention for the election of Directors and Resident Physician of the Insane Asylum.

Adopted.

Mr. Wright's resolution, relating to the introduction of bills, was taken from the table and rejected.

Mr. Hawes' resolution, amending the rules, was taken from the table and rejected.

#### GENERAL FILE.

Senate bill No. 383, an Act to amend an Act entitled an Act to provide a Special Fund for the construction of the State Capitol Building at the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three—*indefinitely postponed*.

Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six—*considered as in Committee of the Whole*.

Pending the consideration, the Senate took a recess until four o'clock P. M.

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#### EVENING SESSION.

At seven o'clock P. M. the President called the Senate to order.

Roll called.

Quorum present.

Mr. Crane, by leave, introduced a bill for an Act to authorize the County of Alameda to aid in the construction of the railroad of the Alameda Valley Railroad Company and the railroad of the Western Pacific Railroad Company, and to create a funded debt for the payment of the same.

Read first and second times, rules suspended, the bill considered *en-grossed*, read third time, and *passed*.

Mr. Shafter, by leave, reported back Senate bill No. 409, an Act to grant additional powers to the Board of Supervisors of the City and County [of San Francisco.] and to organize and regulate the Fire Department of said city and county, and had leave to withdraw the same.

#### SPECIAL FILE.

Senate bill No. 12, an Act to authorize an appropriation of money for the purpose of erecting a monument to the memory of the Honorable

William H. Weeks, deceased, and to create a Board of Trustees to carry out the object of such appropriation.

The question being to reconsider the vote by which the bill was indefinitely postponed, the ayes and noes were demanded, by Messrs. Gaskill, Pierce, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cunningham, Freeman, Gaskill, Hall, Haswell, Kutz, Leonard, Lovett, Meyers, Shepard, Wright, and Yule—14.

NOES—Messrs. Crane, Dodge, Evans, Foulke, Hartson, Hawes, Jones, Maddox, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, and Smith—16.

So the motion was lost.

Senate bill No. 320, an Act to appropriate money to pay the claim of I. & S. Wormser, assignees of T. A. Levison—read third time, and passed.

Mr. Benton moved that when the Senate adjourns this evening, it attends the Philharmonic and Promenade Concert at Agricultural Hall, given for the benefit of the Sanitary Fund.

The motion was lost.

Mr. Pierce was granted leave of absence for this evening.

Assembly bill No. 159, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board—considered as in Committee of the Whole, and reported back without amendment.

Mr. Hawes now moved to amend by striking out the following in section one:

*“First—To allow and order paid, out of the General Fund, for grading, improving, and erecting a monument in Yerba Buena Park, a sum not to exceed the amount of ten thousand dollars.”*

On which, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Buckley, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Hall, Hartson, Hawes, McMurtry, Montgomery, and Smith—8.

NOES—Messrs. Burnell, Crane, Cunningham, Dodge, Foulke, Haswell, Heacock, Jones, Kutz, Lovett, Maddox, Meyers, Moyle, Porter, Redington, Roberts, Rush, Shafter, Tuttle, and Wright—20.

So the motion was lost.

Mr. Hawes moved to strike out “three thousand” and “twelve hundred,” in subdivision two of section one.

The amendment was rejected.

Mr. Hawes moved to strike out of subdivision nine, section one, the words “one hundred and twenty-five thousand,” and insert in place thereof the words “fifty thousand.”

The amendment was rejected.

Mr. Shafter moved the previous question.

On the question, “Shall the main question be now put?” the ayes and noes were demanded, by Messrs. Hawes, Henry, and Buckley, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Cunningham, Dodge, Gaskill, Hale, Hall,



Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, and Wright—23.

NOES—Messrs. Benton, Buckley, Cot, Evans, Hawes, Henry, Montgomery, Smith, and Tuttle—9.

So the main question was demanded.

The bill was read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Cot, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Rush, Shafter, Tuttle, and Wright—29.

NOES—Messrs. Buckley, Cot, Hawes, Henry, Montgomery, and Smith—6.

So the bill passed.

On motion of Mr. Leonard, Senate bill No. 413, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four—was considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, and read third time, and passed.

Assembly bill No. 222, an Act in relation to the water front adjacent to Block No. 9 in the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, and read third time.

Mr. Hartson moved the previous question.

The main question was demanded.

The bill passed.

Assembly bill No. 261, an Act to provide for the construction of a macadamized road in the City and County of San Francisco, and for the collection of tolls thereon—considered as in Committee of the Whole, and reported back without amendment.

Mr. Hawes moved to amend by adding to section five the following:

“Nothing in this Act contained shall authorize the occupation or appropriation, or obstruction, in any manner whatsoever, of any road on or near the sea beach now in general use, or any part thereof, or the occupation of any part of the sea beach now generally used as a highway or public road.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Cot, and Foulke, and taken, with the following result:

AYES—Messrs. Cot, Dodge, Hale, Hall, Hamilton, Hartson, Hawes, Maddox, McMurtry, Meyers, Moyle, Porter, Roberts, Rush, Shafter, and Yule—16.

NOES—Messrs. Benton, Buckley, Crane, Cunningham, Evans, Foulke, Gaskill, Haswell, Henry, Jones, Leonard, Lovett, Redington, Smith, and Wright—15.

So the amendment was adopted.

Mr. Dodge moved to amend by adding the following :

*" Provided, that if from any artificial cause the natural beach is so obstructed as to prevent travel thereon, parties may travel over said road without paying toll."*

Adopted.

The bill passed.

Mr. Hale, by leave, introduced a bill for an Act to authorize the Fast Freight and Express Company to change their principal place of business.

Read first and second times, rules suspended, bill considered engrossed, and read third time, and passed.

Senate bill No. 370, an Act to fix the time of holding the District Court in the second Judicial District—rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended, and the bill ordered transmitted to the Assembly.

Senate bill No. 425, an Act to provide for the election of Supervisors in the County of Amador—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 302, an Act to establish the lines and grades of streets in the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 353, an Act to amend an Act concerning Notaries Public, passed April twenty-ninth, eighteen hundred and fifty-three—substitute adopted, rules suspended, the bill considered engrossed, and read third time, and passed.

Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, and read third time, and passed.

Senate bill No. 403, an Act to extend over the County of Nevada the provisions of an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, and read third time, and passed.

Assembly bill No. 96, an Act to amend an Act entitled an Act granting the right to construct and maintain a railroad in certain streets therein named in the City and County of San Francisco, approved April twenty-third, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, and read third time.

Mr. Hawes moved to recommit the bill to Mr. Shafter, with instructions to insert a section as follows :

*" This Act shall not take effect until submitted to and approved by the Board of Supervisors of the City and County of San Francisco."*

On the adoption of which, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Crane, and taken, with the following result :

AYES—Messrs. Buckley, Hamilton, Hawes, and Henry—4.

NOES—Messrs. Burnell, Cot, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Redington, Shafter, Wright, and Yule—21.

So the motion to recommit was lost.

The bill was then passed.

Assembly bill No. 381, an Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads in the City and County of San Francisco, approved April seventeenth, eighteen hundred and sixty-one, and to other similar bills, severally approved April seventeenth, eighteen hundred and sixty-one, and March twenty-eighth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 291, an Act to extend an Act concerning hogs found running at large in certain counties in this State—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 330, an Act to improve the navigation of the Mokelumne River—considered as in Committee of the Whole, reported back with an amendment, amendment concurred in, bill read third time, and passed.

Assembly bill No. 367, an Act amendatory of an Act entitled an Act to establish the salaries of officers and pay of members of the Legislature, approved April twenty-first, eighteen hundred and fifty-six—considered as in Committee of the Whole, reported back without amendment.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Hawes, Moyle, and Foulke, and taken, with the following result :

AYES—Messrs. Buckley, Cunningham, Dodge, Hall, Haswell, Hawes, Kutz, Maddox, McMurtry, Meyers, Moyle, Redington, Shafter, and Yule—14.

NOES—Messrs. Burnell, Cot, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Heacock, Jones, Lovett, Montgomery, Roberts, and Wright—14.

So the Senate refused to indefinitely postpone.

The bill was then read third time.

On the passage, the ayes and noes were demanded, by Messrs. Dodge, Hawes, and Redington, and taken, with the following result :

AYES—Messrs. Burnell, Cot, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Jones, Lovett, Montgomery, and Roberts—12.

NOES—Messrs. Buckley, Cunningham, Dodge, Hall, Haswell, Hawes, Heacock, Kutz, Maddox, McMurtry, Meyers, Moyle, Redington, Shafter, Wright, and Yule—16.

So the bill did not pass.

Mr. Wright gave notice of a motion to reconsider the above vote.

Mr. Wright moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Evans, Wright, and Yule, and taken, with the following result:

AYES—Messrs. Evans, Gaskill, Hale, Hall, Kutz, Lovett, Meyers, Moyle, Roberts, and Wright—10.

NOES—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Foulke, Freeman, Hamilton, Haswell, Hawes, Heacock, Jones, Maddox, McMurtry, Montgomery, Redington, Shafter, and Yule—18.

So the motion was lost.

Mr. Evans moved a call of the Senate.

The motion prevailed.

Roll called.

Messrs. Benton, Crane, Hartson, Henry, Haskin, Leonard, McMurtry, Porter, Shepard, Smith, and Tuttle, were absent without leave.

On motion of Mr. Wright, further proceedings under the call were suspended.

At ten o'clock and ten minutes P. M., on motion of Mr. Evans, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 30th, 1864. }

Senate met pursuant to adjournment.

President pro tem in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Indefinite leave of absence was granted to Mr. Tuttle.

Journal of yesterday read and approved.

## REPORTS.

Mr. Smith, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Assembly bill No. 457, an Act to encourage the construction of telegraph lines, so far as to place the Colorado River in telegraphic communication with the City of San Francisco, report the same back, with the recommendation that it be indefinitely postponed;

Also, Senate bill No. 378, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and



fifty, approved April fourth, eighteen hundred and sixty-one, and recommend the indefinite postponement of the same.

SMITH, Chairman.

Mr. Wright moved to reconsider the vote by which the Senate, on yesterday, refused to pass Assembly bill No. 367, an Act amendatory of an Act entitled an Act to reduce and establish the salaries and pay of members of the Legislature, approved April twenty-first, eighteen hundred and fifty-six.

The motion prevailed.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Yule, Pierce, and Dodge, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Cot, Crane, Evans, Foulke, Freeman, Gaskill, Hale, Hartson, Haswell, Henry, Jones, Lovett, Montgomery, Roberts, Rush, Shepard, Smith, and Wright—18.

NOES—Messrs. Buckley, Cunningham, Dodge, Hall, Heacock, Kutz, Maddox, Moyle, Pierce, Porter, Redington, and Yule—12.

So the bill passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 365, an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at Point San Quentin for State Prison purposes;

Also, Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;

Also, Senate bill No. 341, an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers;

Also, Senate bill No. 421, an Act defining the legal distance from the county seat of Alpine County to the Capital, Lunatic Asylum, and State Prison;

Also, Senate bill No. 355, an Act granting the right to construct and maintain a public toll bridge across the Colorado River below the junction of that stream with the Gila River to certain parties, their associates or assigns, therein named;

Also, Senate bill No. 299, an Act to confer certain powers on the Board of Supervisors of Sonoma County;

Also, Senate bill No. 423, an Act to attach Lassen County to the Third Congressional District;

Also, Senate bill No. 316, an Act to provide for the levying, assessing, and collecting of a cash Contingent Fund for the County of San Diego;

Also, Senate bill No. 247, an Act to grant the right to construct a wagon road in Tulare County;

Also, Senate bill No. 328, an Act concerning Common Schools in the City of Placerville;

Also, Senate bill No. 332, an Act for the relief of the Burning Moscow Gold and Silver Mining Company;

Also, Senate bill No. 368, an Act concerning corporations;

And on this the thirtieth day of March, A. D. eighteen hundred and sixty-four, at ten o'clock and forty-five minutes A. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Wright, Chairman of the Committee on Public Lands, made the following report :

Mr. PRESIDENT:—Your Committee on Public Lands, to whom was referred Assembly bill No. 268, an Act providing for a re-survey of lands in certain cases, report the same back without recommendation.

WRIGHT, Chairman.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 276, an Act to create the office of State Geologist, and define the duties thereof, report the same back with a substitute, and recommend the passage of the substitute ;

Also, Assembly bill No. 354, an Act to extend the provisions of an Act entitled an Act to appropriate funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three, and recommend its passage.

CUNNINGHAM, Chairman.

Mr. Yule moved to suspend the rules, and take up Senate bill No. 276, above reported, and consider it now.

On which, the ayes and noes were demanded, by Messrs. Yule, Wright, and Jones, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Evans, Foulke, Hale, Hall, Hartson, Haswell, Heacock, Jones, Kutz, Lovett, Maddox, Meyers, Montgomery, Porter, Redington, Roberts, Rush, Shafter, Shepard, Smith, Wright, and Yule—26.

NOES—Messrs. Benton, Cot, Crane, Gaskill, and Pierce—5.

So the motion prevailed.

The bill was taken up.

Pending the consideration of the bill, the hour arrived for taking up the General File.

Mr. Cunningham moved a postponement of the consideration of the General File for five minutes.

On which, the ayes and noes were demanded, by Messrs. Jones, Wright, and Moyle, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Jones, Kutz, Maddox, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Smith, Wright, and Yule—22.

NOES—Messrs. Benton, Cot, Crane, Evans, Gaskill, Haskin, Moyle, and Pierce—8.

So the motion was carried.

Mr. Maddox, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 403, an Act to extend over the County of Nevada the provisions of the Act entitled an Act concerning

lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 413, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four.

MADDOX, for Committee.

Mr. Jones, by leave, introduced a bill for an Act to appropriate money for deficiency in appropriation for per diem and mileage of Senators for fifteenth fiscal year.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

On motion of Mr. Heacock, Senate bill No. 326, an Act in relation to proceedings in certain suits—was taken from its regular order on the file, amended, rules suspended, the bill considered engrossed, read third time, and passed.

On motion of Mr. Crane, the Forty-Fifth Rule was suspended so far as the same relates to Senate bill No. 430.

#### GENERAL FILE.

Senate bill No. 244, an Act supplementary to an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto, passed April fourteenth, A. D. eighteen hundred and sixty-two.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result:

AYES—None.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Dodge, Evans, Gaskill, Hale, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Lovett, McMurtry, Meyers, Montgomery, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, Shepard, Smith, Wright, and Yule—32.

So the Governor's objections were sustained.

Assembly bill No. 247, an Act to authorize the executors of the last will and testament of Elias S. Cooper, deceased, to sell and convey real estate.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result:

AYES—Messrs. Freeman, Kutz, and Montgomery—3.

NOES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Gaskill, Hale, Hamilton, Hawes, Heacock, Henry, Haskin, Jones, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, Wright, and Yule—24.

So the Governor's objections were sustained.

Assembly bill No. 234, an Act to authorize Lucian B. Healey to sell real estate.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result :

AYES—Messrs. Burnell, Freeman, Gaskill, Kutz, and Yule—5.

NOES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Foulke, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Redington, Roberts, Shafter, Shepard, and Wright—24.

So the Governor's objections were sustained.

Mr. Yule, by leave, made the following report :

MR. PRESIDENT :—The Placer delegation, to whom was referred Senate bill No. 392, have had the same under consideration, and herewith report the same back with amendments, and recommend its passage as amended ;

Also, Assembly bill No. 383, have considered the same, and report it back with amendments, and recommend its passage as amended.

YULE,  
HALE.

Senate bill No. 392, above reported, was taken up, amended, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 383, above reported, was taken up, amended, rules suspended, read third time, and passed.

Mr. Shafter, by leave, introduced a bill for an Act to continue the powers and provisions of an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle claims to real estate, and to convey such real estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, the bill considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 359, an Act to amend section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—considered as in Committee of the Whole, and reported back without amendment.

Mr. Wright moved to indefinitely postpone the bill.

Mr. Smith moved the previous question.

Which motion prevailed.

The main question was demanded.

On the indefinite postponement, the ayes and noes were demanded, by Messrs. Wright, Lovett, and Foulke, and taken, with the following result :

AYES—Messrs. Evans, Hamilton, Haskin, Montgomery, Moyle, and Wright—6.

NOES—Messrs. Benton, Cot, Crane, Cunningham, Foulke, Gaskill,



Hale, Hall, Hartson, Haswell, Hawes, Heacock, Henry, Kutz, Lovett, McMurtry, Pierce, Porter, Roberts, and Smith—20.

So the Senate refused to indefinitely postpone.

The rules were suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 395, an Act supplementary to an Act entitled an Act to prevent the destruction of timber on Public Lands of this State, approved March second, eighteen hundred and sixty-four—considered as in Committee of the Whole, and reported back with amendments.

Mr. Roberts moved to strike out all after the word "recut," in the amendment, and insert "except as provided in said Act."

The amendment to the amendment was rejected.

The amendment was then concurred in.

Mr. Heacock moved to add as follows :

"Section 3. So much of said Act as prohibits cutting more than one sixth of the circumference of the tree is hereby repealed."

The amendment was rejected.

The rules were suspended, bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six—consideration as in Committee of the Whole resumed, reported back with amendments, and amendments concurred in.

Mr. Hale moved to strike out all from line two hundred and forty-five to line two hundred and sixty, inclusive, and the additional appropriations for benevolent associations.

Mr. Smith moved the previous question.

The motion prevailed.

The main question was then demanded.

On the adoption of Mr. Hale's amendment, the ayes and noes were demanded, by Messrs. Hale, Evans, and Hall, and taken, with the following result :

AYES—Messrs. Benton, Crane, Cunningham, Evans, Foulke, Hale, Hartson, McMurtry, and Pierce—9.

NOES—Messrs. Buckley, Burnell, Cot, Dodge, Freeman, Hall, Hamilton, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Leonard, Maddox, Meyers, Moyle, Porter, Redington, Rush, Shafter, Smith, Wright, and Yule—24.

So the amendment was rejected.

On ordering the bill read third time, the ayes and noes were demanded, by Messrs. Hale, Wright, and Smith, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Kutz, Leonard, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Smith, Wright, and Yule—28.

NOES—Messrs. Benton, Hale, Pierce, and Rush—4.

So the bill was ordered read third time.

Mr. Benton moved to recommit to Mr. Burnell, with instructions to insert the following, and report immediately: Add to section one—

“Howard Benevolent Society of Sacramento, two thousand dollars.”

Mr. Rush moved to amend the instructions as follows:

Amend section one, by striking out all after and including the word “for,” in line eleven, printed bill, down to and including the word “Legislature,” in line fifteen.

On the adoption of the amendment, the ayes and noes were demanded, by Messrs. Rush, Pierce, and Montgomery, and taken, with the following result:

AYES—Messrs. Freeman, Montgomery, Pierce, and Rush—4.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Moyle, Porter, Redington, Shafter, Smith, Wright, and Yule—29.

So the amendment was rejected.

Mr. Hall moved the previous question.

The main question was demanded.

On the motion to recommit, the ayes and noes were demanded, by Messrs. Crane, Benton, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Evans, Foulke, Freeman, Hale, Hartson, Haswell, Heacock, Henry, Jones, Leonard, Lovett, McMurtry, Montgomery, Moyle, Pierce, Porter, Shafter, Shepard, and Yule—24.

NOES—Messrs. Cunningham, Dodge, Gaskill, Hall, Hamilton, Haskin, Kutz, Maddox, Meyers, Redington, Smith, and Wright—12.

So the motion was carried.

Mr. Burnell reported the bill back, as having complied with the instructions.

Report adopted.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hale, Kutz, and Evans, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Porter, Redington, Shafter, Shepard, Smith, Wright, and Yule—33.

NOES—Messrs. Hale, Kutz, and Pierce—3.

So the bill passed.

Mr. Evans, by leave, made the following report:

MR. PRESIDENT:—The Committee of Conference on the disagreeing votes of the two Houses on the Senate amendments to Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the

State of California, after conferring together, unanimously recommend the following:

That the Senate recede from their amendments, to strike out sections two and five of the bill, and that the following proviso to section five of the bill be adopted:

"*Provided*, the same shall not exceed the sum of one thousand dollars."

EVANS,  
CRANE,  
BURNELL,  
Senate Committee.  
PERRIN,  
CLARK,  
House Committee.

The report was adopted.

Mr. Haswell, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 427, an Act for the relief of the General Fund of the State Treasury;

And, this day, at two o'clock and ten minutes P. M., delivered the same to the Governor for his approval.

HASWELL, for Committee.

#### GENERAL FILE RESUMED.

The consideration of Senate bill No. 276 was resumed—substitute adopted, considered as in Committee of the Whole, and reported back without amendment.

Mr. Gaskill moved to place the bill at top of the file for Thursday, March thirty-first, together with Senate bill No. 408.

The motion was lost.

Mr. Yule moved to suspend the rules, consider the bill engrossed, and place it on its passage now.

Mr. Smith moved the previous question.

The main question was demanded.

On the suspension of the rules, the ayes and noes were demanded, by Messrs. Cot, Gaskill, and Jones, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cunningham, Dodge, Foulke, Hale, Hartson, Hawes, Heacock, Jones, Kutz, Leonard, Maddox, Meyers, Moyle, Porter, Redington, Rush, Shafter, Smith, Wright, and Yule—22.

NOES—Messrs. Benton, Cot, Crane, Evans, Freeman, Gaskill, Hamilton, Haskin, Lovett, McMurtry, Montgomery, Pierce, and Shepard—13.

So the motion was lost.

The bill was ordered engrossed and read third time.

#### REPORTS.

Mr. Hartson, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 338, an Act concerning jurors in Plumas County, having had the same under consideration, report it back amended, and recommend its passage as amended;

Also, Assembly bill No. 364, an Act concerning moneys deposited in Courts of record in this State, report the same back, and recommend its passage;

Also, Senate bill No. 63, an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three, report the same back amended, and recommend its passage as amended;

Also, Assembly bill No. 374, an Act to amend an Act entitled an Act to authorize the sale of certain real estate by Guardians, approved April tenth, eighteen hundred and sixty, report the same back amended, and recommend its passage as amended;

Also, Assembly bill No. 166, an Act condemning parts of certain streets adjacent to the Insane Asylum in the City of Stockton, for Asylum purposes, report the same back, and recommend its passage;

Also, Assembly bill No. 203, an Act to authorize the Governor of the State of California to convey certain real estate, report the same back, and recommend its passage;

Also, Assembly bill No. 445, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, report the same back with an amendment, and recommend its passage as amended;

Also, Senate bill No. 396, an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, report the same back with an amendment, and recommend its passage as amended.

HARTSON, Chairman.

Mr. Buckley made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 406, granting extension of time to Caleb S. Hobbs and Pacific Glass Works to construct a wharf at Potrero Nuevo, beg leave to report back a substitute extending the time from eighteen months to three years.

BUCKLEY, for Delegation.

Mr. Meyers made the following report:

Mr. PRESIDENT:—The San Joaquin delegation, to whom was referred Senate bill No. 174, an Act to authorize the Board of Supervisors of San Joaquin County to levy and collect a special tax for the liquidation of the remaining debt of the San Joaquin Valley Agricultural Society, have had the same under consideration, have amended section one, and recommend the passage of the bill as amended.

MEYERS, for Delegation.

Mr. Yule made the following report:

Mr. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 454, have had the same under consideration, and report it back, and recommend its passage.

76SEN

YULE,  
HALE.



Mr. Dodge made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Assembly bill No. 439, relative to raising the fare on the Central Railroad of San Francisco, have had the same under consideration, and report the same back, and recommend its indefinite postponement.

DODGE,  
REDINGTON,  
SHAFTER.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 30th, 1864. }

MR. PRESIDENT :—The Assembly, this day, concurred in Senate amendments to Assembly bill No. 330, an Act to improve the navigation of the Mokelumne River ;

Also, refused to concur in Senate amendments to Assembly bill No. 209, an Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two, and ask the Senate to recede from said amendments ;

Also, concurred in Senate concurrent resolution No. 31, relative to a Joint Convention for the election of Directors and a Resident Physician of the Insane Asylum ;

Also, passed Assembly bill No. 255, an Act supplementary to and amendatory of an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, concurred in Senate amendments to Assembly bill No. 383, an Act to grant the right to construct a turnpike road between Forest Hill and Grasshopper Ranch, in the County of Placer, with branches thereto, and to establish and maintain a bridge thereon, to J. L. Sanborn, his associates and assigns ;

Also, passed Senate bill No. 370, an Act to fix the time of holding the District Court in the Second Judicial District ;

Also, passed Senate bill No. 403, an Act to extend over the County of Nevada the provisions of an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof ;

Also, passed Senate bill No. 413, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four ;

Also, passed Assembly bill No. 460, an Act to fund the indebtedness of the County of Los Angeles ;

Also, passed Assembly bill No. 446, an Act to authorize certain parties to construct a lock at the outlet of Clear Lake.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 30th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 427, an Act for the relief of the General Fund of the State Treasury;

Also, on the twenty-ninth instant, passed Assembly bill No. 415, an Act to amend an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 397, an Act to provide for the construction of additional cells at the State Prison;

Also, passed Assembly bill No. 254, an Act to amend an Act entitled an Act concerning the Courts of justice of this State, and judicial officers, approved April twentieth, eighteen hundred and sixty-three;

Also, on the twenty-eighth instant, passed Assembly bill No. 444, an Act to amend an Act entitled an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, as amended by an Act approved April seventeenth, eighteen hundred and sixty-one;

Also, same day, passed Assembly bill No. 448, an Act to regulate proceedings in the Courts of justice of this State in certain cases.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 30th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed, by the requisite constitutional majority over the Governor's veto, Senate bill No. 285, an Act to amend an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, this day, passed Assembly bill No. 463, an Act amendatory of and supplementary to an Act concerning roads and highways in certain counties in this State, approved April fourteenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 30th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, amended and passed Assembly bill No. 440, an Act granting to certain parties the right to construct a macadamized road within the City and County of San Francisco, and suspended Rule Number Fifty-Eight.

O. C. WHEELER,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 255, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Pierce moved to reconsider the vote by which the bill was referred.

On which, the ayes and noes were demanded, by Messrs. Pierce, Crane, and Hawes, and taken, with the following result:

AYES—Messrs. Cot, Evans, Freeman, Hawes, Jones, Maddox, McMurry, Montgomery, Moyle, Pierce, Roberts, Rush, and Yule—13.

NOES—Messrs. Crane, Cunningham, Dodge, Foulke, Hall, Hamilton, Haswell, Heacock, Kutz, Lovett, Porter, Redington, Shafter, Shepard, and Smith—15.

So the motion was lost.

Assembly bill No. 448, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 440, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 446, above reported, read first and second times, and placed on file.

Assembly bill No. 444, above reported, read first and second times, and placed on file.

Assembly bill No. 254, above reported, read first and second times, and placed on file.

Assembly bill No. 463, above reported, read first and second times, and placed on file.

Assembly bill No. 415, above reported, read first and second times, and placed on file.

Assembly bill No. 460, above reported, read first and second times, and referred to the Los Angeles delegation.

Assembly bill No. 397, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 209, above reported, was taken up for consideration.

The Assembly refused to concur in Senate amendments.

On motion of Mr. Roberts, the Senate receded from its amendments.

Mr. Hartson, by leave, introduced a concurrent resolution accepting the benefits of the Act of Congress entitled an Act donating Public Lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, passed July second, A. D. eighteen hundred and sixty-two.

Adopted.

On motion of Mr. Hale, Senate bill No. 63, an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, approved April twenty-fifth, eighteen hundred and sixty-three, was taken up, considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

At five o'clock P. M., the Senate took a recess until seven o'clock P. M.

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#### EVENING SESSION.

At seven o'clock P. M., the President called the Senate to order.

Roll called.

Quorum present.

Consideration of Senate bill No. 63 resumed.

Mr. Jones moved to suspend the rules, consider the bill engrossed, and place it upon its final passage now.

On which, the ayes and noes were demanded, by Messrs. Pierce, Evans, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Dodge, Evans, Foulke, Gaskill, Haswell, Heacock, Jones, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Wright, and Yule—20.

NOES—Messrs. Freeman, Hamilton, Hawes, and Montgomery—4.

So the motion was carried.

The bill was read third time.

Mr. Wright moved the previous question.

The main question was demanded.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Hamilton, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Redington, Roberts, Shafter, Shepard, Smith, Wright, and Yule—28.

NOES—Messrs. Cot, Freeman, Hamilton, Hawes, Montgomery, Pierce, Porter, and Rush—8.

So the bill passed.

On motion of Mr. Maddox, Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties of this State, was taken up, and laid on the table.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 353, an Act supplementary to an Act to amend an Act concerning Notaries Public, passed April twenty-fifth, eighteen hundred and sixty-two;

Also, Senate bill No. 431, an Act to authorize the Fast Freight and Express Company to change its principal place of business.

ROBERTS, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Henry, for an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved April sixth, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Also, for an Act to authorize the Board of Supervisors of El Dorado County to subscribe one hundred thousand dollars, in addition to the amount heretofore subscribed by said county, to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relative thereto.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

By Mr. Crane, for an Act amendatory and supplementary to an Act



entitled an Act to regulate the fees of officers in the County of Alameda, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

By Mr. Maddox, for an Act to authorize the County Recorder of El Dorado County to employ a Clerk.

Read first and second times, and placed on file.

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 276, an Act to create the office of State Geologist and to define the duties thereof.

ROBERTS, Chairman.

#### RESOLUTIONS.

Mr. Cunningham offered the following resolution:

*Resolved*, That Edmond Clarke be allowed twenty-five dollars for returning all furniture in committee rooms to the Secretary of State, and the Controller is hereby authorized to draw his warrant for the amount, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Pierce offered the following resolution:

*Resolved*, That the Judiciary Committee, to whom was referred Senate bill No. 40, be and they are hereby requested and directed to report the same back to the Senate, either with or without recommendation.

Adopted.

Mr. Smith offered the following resolution:

*Resolved*, That George A. Hill, Assistant Engrossing Clerk of the Senate, is hereby authorized and directed to write up and complete the Appendix to the Senate Journal, which may be unfinished at the close of the present session, at a compensation of fifteen cents per folio, commencing at the page completed at the time of adjournment, which page shall be certified to the Controller of State by the Secretary of the Senate, and when completed, the said Assistant Engrossing Clerk shall deliver the work done to the Controller, who shall compute and audit the same, and draw his warrant in favor of said George A. Hill for the amount found to be due, payable out of the Contingent Fund of the Senate.

Mr. Foulke offered as a substitute the following:

*Resolved*, That Franklin Hallowell and Joseph Plunkett, Copying Clerks of the Senate, are hereby authorized and directed to write up and complete the Appendix to the Senate Journal, which may be unfinished at the close of the present session, at a compensation of fifteen cents per folio, commencing at the page completed at the time of the adjournment, which page shall be certified to the Controller of State by the Secretary of the Senate, and when completed, the said Copying

Clerks shall deliver the work done to the Controller, who shall compute and audit the same, and draw his warrant in favor of said Hallowell and Plunkett for the amount found to be due, payable out of the Contingent Fund of the Senate.

On motion of Mr. Crane, the resolution and substitute were referred to the Committee on Enrolment.

Senate bill No. 402, an Act providing for the time of holding the terms of the District Court in Merced County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 266, an Act to authorize corporations organized in this State for the purpose of mining in or without this State, to establish and maintain transfer agencies in other States—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 371, an Act to authorize the Board of Supervisors of Santa Clara County to sell and dispose of the stock of said county in the San Francisco and San José Railroad Company, and to protect its property in the same—substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, the title amended, and the Forty-Fifth Rule suspended.

Senate bill No. 396, an Act to confer further powers upon the Governor of this State in relation to pardon of criminals—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 409, an Act concerning fences in Tuolumne County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 339, an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 411, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe twenty thousand dollars to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 399, an Act making the County Clerk of Colusa County ex officio Recorder and Auditor, and fixing his compensation—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 412, an Act in relation to Swamp Land District Funds—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 104, an Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

#### GENERAL FILE.

Assembly bill No. 190, an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain Overflowed Lands in the City and County of San Francisco.

On the adoption of the substitute offered by Mr. Porter, the ayes and noes were demanded, by Messrs. Burnell, Pierce, and Hale, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Foulke, Hale, Hartson, Haswell, Hawes, McMurtry, Meyers, Moyle, Pierce, Porter, Roberts, and Wright—17.

NOES—Messrs. Crane, Dodge, Evans, Freeman, Gaskill, Hall, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Montgomery, Redington, Rush, Shafter, Smith, and Yule—19.

So the substitute was rejected.

Mr. Pierce moved to strike out the enacting clause.

Mr. Porter moved to amend section one by striking out the words "Commissioners of Swamp and Overflowed Lands," and insert "State Harbor Commissioners," in lines one and two, and eighteen.

On which, the ayes and noes were demanded, by Messrs. Porter, Redington, and Pierce, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Cunningham, Dodge, Foulke, Hale, Hall, Hartson, Hawes, McMurtry, Meyers, Moyle, Pierce, Porter, Roberts, and Wright—17.

NOES—Messrs. Crane, Evans, Freeman, Gaskill, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Redington, Rush, Shafter, Smith, and Yule—19.

So the amendment was rejected.

Mr. Hawes moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Burnell, Cunningham, and Hale, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Foulke, Hale, Hartson, Hawes, McMurtry, Meyers, Pierce, Porter, Roberts, and Wright—14.

NOES—Messrs. Cot, Crane, Dodge, Evans, Freeman, Gaskill, Hall, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Moyle, Redington, Rush, Shafter, Smith, and Yule—23.

So the motion was lost.

The bill was then considered as in Committee of the Whole, and reported back without amendment.

Mr. Wright moved to amend by adding to section four the following:

"*Provided*, the survey of such Overflowed Lands shall not extend into the bay beyond where the water is six feet deep at low tide."



Mr. Smith moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Hawes, Yule, and Leonard, and taken, with the following result:

AYES—Messrs. Crane, Dodge, Evans, Freeman, Gaskill, Hall, Haswell, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Moyle, Redington, Shafter, Smith, and Yule—21.

NOES—Messrs. Buckley, Burnell, Cunningham, Foulke, Hale, Hartson, Hawes, McMurtry, Meyers, Pierce, Porter, Roberts, and Wright—13.

So the motion was carried.

The main question was then demanded.

The question being on the adoption of Mr. Wright's amendment, the ayes and noes were demanded, by Messrs. Wright, Buckley, and Pierce, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cunningham, Foulke, Hale, Hartson, Haswell, Hawes, McMurtry, Meyers, Moyle, Pierce, Porter, Roberts, and Wright—15.

NOES—Messrs. Cot, Crane, Dodge, Evans, Freeman, Gaskill, Hall, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Redington, Rush, Shafter, Smith, and Yule—21.

So the amendment was lost.

On striking out the enacting clause, the ayes and noes were demanded, by Messrs. Wright, Hale, and Meyers, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Cot, Cunningham, Foulke, Hale, Hartson, Haswell, Hawes, McMurtry, Meyers, Moyle, Pierce, Porter, Roberts, and Wright—15.

NOES—Messrs. Crane, Dodge, Evans, Freeman, Gaskill, Hall, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Redington, Rush, Smith, and Yule—19.

So the motion was lost.

The bill was then read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hawes, Wright, and Hale, and taken, with the following result:

AYES—Messrs. Crane, Dodge, Evans, Freeman, Gaskill, Hall, Heacock, Henry, Haskin, Jones, Kutz, Leonard, Lovett, Maddox, Montgomery, Porter, Redington, Rush, Smith, and Yule—20.

NOES—Messrs. Buckley, Burnell, Cot, Cunningham, Foulke, Hale, Hartson, Haswell, Hawes, McMurtry, Meyers, Moyle, Pierce, Roberts, and Wright—15.

So the bill passed.

Mr. Porter gave notice of a motion to reconsider the above vote.

At ten o'clock and thirty minutes P. M., on motion of Mr. Wright, the Senate adjourned.

R. BURNELL,

President pro tem of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, March 31st, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

## REPORTS.

Mr. Yule, Chairman of the Committee on Mines and Mining Interests, made the following report :

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 359, an Act concerning partnerships for mining purposes, have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

YULE, Chairman.

Assembly bill No. 359, above reported, was taken up under a suspension of the rules, amended as recommended by the committee, considered as in Committee of the Whole, and reported back without amendment.

Mr. Smith now moved to reconsider the vote by which the Senate adopted the amendment offered by the committee, to wit :

“Amend section one, line one, by striking out the words, ‘or verbal.’”

The motion to reconsider was lost.

Mr. Hale moved to amend by adding to section one, after the word “copartnership,” the words “his partner in interest.”

The amendment was adopted.

The bill was read third time, and passed.

Mr. Montgomery, from the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 367, an Act concerning the offices of Clerk and Recorder, have had the same under consideration, and report the same back, and recommend its passage.

HARTSON, Chairman.

Senate bill No. 367, above reported, was taken up under a suspension of the rules.

On motion of Mr. Yule, the Senate took a recess for ten minutes, preparatory to meeting the Assembly in Joint Convention.

## SENATE RE-ASSEMBLED.

Senate called to order by the President.

Roll called.

Quorum present.

The Clerk of the Assembly announced that the Assembly was ready to meet the Senate in Joint Convention, pursuant to Senate concurrent resolution No. 31, for the election of Directors and one Visiting Physician of the Insane Asylum.

On motion of Mr. Evans, the Senate proceeded to the Assembly Chamber for the purposes above named.

#### IN JOINT CONVENTION.

Lieutenant-Governor Machin and Speaker Sears presiding.

Senate roll called.

Absent—Messrs. Rush and Tuttle.

Assembly roll called.

Absent—Messrs. Hubbard, Scott of Alameda, Van Leuven, Van Schaick, Walker of Alameda, Lynch, and Mitchell.

The President announced the object of the Convention to be the election of three Directors and a Visiting Physician for the Insane Asylum.

Mr. Dodson moved that the Convention proceed to elect, first, three Directors; second, Visiting Physician.

The motion prevailed.

On motion of Mr. Cherry, the Secretary of the Senate and the Clerk of the Assembly were appointed to act as Tellers.

#### FOR DIRECTORS OF THE INSANE ASYLUM.

Nominations for three Directors now being in order :

Mr. Dodson nominated E. S. Holden.

Mr. Hale nominated Austin Sperry.

Mr. Meyers nominated J. G. Gassman.

There being no further nominations, the roll was called, with the following result :

Names.	Holden.	Sperry.	Gassman.
Benton .....	1	1	1
Buckley .....	1	1	1
Burnell .....	1	1	1
Cot.....	1	1	1
Crane .....	1	1	1
Cunningham.....	1	1	1
Dodge .....	1	1	1
Evans .....	1	1	1
Foulke.....	1	1	1
Freeman .....	1	1	1
Gaskill.....	1	1	1
Hale.....	1	1	1
Hall.....	1	1	1
Hamilton .....	1	1	1
Hartson .....	1	1	1
Haswell.....	1	1	1

Names.	Holden.	Sperry.	Gassman.
Henry.....	1	1	1
Haskin.....	1	1	1
Jones.....	1	1	1
Kutz.....	1	1	1
Maddox.....	1	1	1
McMurtry.....	1	1	1
Meyers.....	1	1	1
Montgomery.....	1	1	1
Moyle.....	1	1	1
Pierce.....	1	1	1
Porter.....	1	1	1
Redington.....	1	1	1
Roberts.....	1	1	1
Shafter.....	1	1	1
Shepard.....	1	1	1
Smith.....	1	1	1
Wright.....	1	1	1
Yule.....	1	1	1
Allen.....	1	1	1
Alley.....	1	1	1
Badlam.....	1	1	1
Beaman.....	1	1	1
Bowman.....	1	1	1
Boulware.....	1	1	1
Brooks.....	1	1	1
Brown of Amador.....	1	1	1
Brown of Tulare.....	1	1	1
Buffum.....	1	1	1
Campbell of El Dorado.....	1	1	1
Campbell of San Francisco.....	1	1	1
Castro.....	1	1	1
Chappell.....	1	1	1
Cherry.....	1	1	1
Clayton.....	1	1	1
Devoe.....	1	1	1
Dickinson.....	1	1	1
Dodson.....	1	1	1
Dow.....	1	1	1
Dutton.....	1	1	1
Dyer.....	1	1	1
Erkson.....	1	1	1
Fraser.....	1	1	1
Gray.....	1	1	1
Green.....	1	1	1
Hartsough.....	1	1	1
Hill.....	1	1	1
Hittell.....	1	1	1
Hoag.....	1	1	1
Hubbard.....	1	1	1
Hunt.....	1	1	1
Hirst.....	1	1	1

Names.	Holden.	Sperry.	Gassman.
Jenison.....	1	1	1
Johnson .....	1	1	1
Kendrick .....	1	1	1
Kewen.....	1	1	1
Langdon .....	1	1	1
Littlefield.....	1	1	1
Ludlow .....	1	1	1
Lux .....	1	1	1
Martin.....	1	1	1
McColliam.....	1	1	1
Mebius.....	1	1	1
Owen.....	1	1	1
Parker.....	1	1	1
Perley .....	1	1	1
Perrin .....	1	1	1
Personette.....	1	1	1
Pratt .....	1	1	1
Redfield.....	1	1	1
Rhoads.....	1	1	1
Rule.....	1	1	1
Scott of Siskiyou .....	1	1	1
Sepulveda.....	1	1	.....
Smith of Nevada.....	1	1	1
Smith of Sonoma .....	1	1	1
Snyder .....	1	1	1
Sumner.....	1	1	1
Teare.....	1	1	1
Tukey .....	1	1	1
Walker of Alameda.....	1	1	1
Walker of Fresno.....	1	1	1
Wason.....	1	1	1
Watson .....	1	1	1
Weston .....	1	1	1
Wilcox.....	1	1	1
Wilsey .....	1	1	1
Winchester.....	1	1	1
Whallon .....	1	1	.....
Wood.....	1	1	1
Wright.....	1	1	1
Mr. Speaker.....	1	1	1
Totals.....	106	106	104

Mr. Holden received one hundred and six votes.

Mr. Sperry received one hundred and six votes.

Mr. Gassman received one hundred and four votes.

Messrs. Sepulveda and Whallon voted for W. H. Lyons.

Messrs. Austin Sperry, E. S. Holden, and J. G. Gassman, having received a majority of all the votes cast, were declared duly elected Directors of the State Insane Asylum.



## FOR VISITING PHYSICIAN OF INSANE ASYLUM.

Nominations for Visiting Physician now being in order :  
 Mr. Lux nominated R. M. Lampson.  
 Mr. Weston nominated Lorenzo Hubbard.  
 Mr. Hale moved that the Convention now adjourn sine die.  
 The motion was lost.  
 The roll was then called, with the following result :

Names.	Lampson.	Hubbard.
Benton .....	1	
Buckley.....		1
Burnell.....	1	
Cot.....		1
Crane.....	1	
Cunningham .....		1
Dodge.....		1
Evans.....	1	
Foulke.....		1
Freeman .....	1	
Gaskill.....		1
Hale .....		1
Hall .....		1
Hamilton.....	1	
Haswell.....		1
Henry.....		1
Haskin.....	1	
Kutz.....		1
Maddox.....		1
McMurtry.....		1
Meyers.....	1	
Montgomery.....	1	
Moyle.....		1
Pierce.....	1	
Porter.....		1
Redington.....		1
Roberts.....		1
Shafter.....		1
Shepard.....	1	
Smith.....		1
Wright.....		1
Yule.....	1	
Allen.....	1	
Alley.....		1
Badlam.....		1
Beaman.....		1
Bowman.....		1
Boulware.....		1
Brooks.....		1
Brown of Amador.....	1	
Brown of Tulare.....	1	
Buffum .....	1	

Names.	Lampson.	Hubbard.
Campbell of El Dorado.....	1	
Campbell of San Francisco .....		1
Castro.....		1
Chappell.....	1	
Cherry .....		1
Devoe.....	1	
Dickinson.. .....	1	
Dodson.....	1	
Dow .....		1
Dutton.....		1
Dyer.....	1	
Erkson.....		1
Fraser .....	1	
Gray.....		1
Green.....	1	
Hartsough.....	1	
Hill.....		1
Hittell .....		1
Hoag.....	1	
Hunt.....		1
Hirst.....	1	
Jenison.....		1
Johnson.....		1
Kendrick.....	1	
Kewen .....	1	
Langdon .....	1	
Littlefield.. .....	1	
Ludlow.....		1
Lux.....	1	
Martin.....		1
McColliam.....		1
Mebius .....	1	
Owen.....		1
Parker.....	1	
Perley.....	1	
Perrin .....	1	
Personette.....		1
Pratt.....		1
Redfield.....		1
Rhoads.....		1
Rule .....		1
Scott of Alameda.....	1	
Scott of Siskiyou.....		1
Sepulveda.....	1	
Smith of Nevada.....		1
Smith of Sonoma.....	1	
Snyder.....		1
Sumner.....	1	
Teare.....		1
Tukey .....	1	
Walker of Alameda .....		1

Names.	Lampson.	Hubbard.
Walker of Fresno.....	1	.....
Wason.....	.....	1
Watson.....	1	.....
Weston.....	.....	1
Wilcox.....	1	.....
Wiley.....	1	.....
Wilsey.....	.....	1
Winchester.....	1	.....
Whallon.....	.....	1
Wood.....	.....	1
Mr. Speaker.....	.....	1
Totals.....	46	58

Whole number of votes cast.....	104
Necessary to a choice.....	53
Mr. Lampson received.....	46
Mr. Hubbard received.....	58

Mr. Hubbard, having received a majority of all the votes cast, was declared duly elected a member of the Board of Visiting Physicians of the State Insane Asylum.

The object of the Convention having been accomplished, the President declared the Convention adjourned sine die.

The Senators then proceeded to the Senate Chamber.

#### IN SENATE.

Roll called.

Quorum present.

#### GENERAL FILE.

Senate bill No. 276, an Act to create the office of State Geologist, and to define the duties thereof—read third time, and passed.

Mr. Porter now moved to reconsider the vote by which the Senate on yesterday passed Assembly bill No. 190, an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain Overflowed Lands in the City and County of San Francisco.

Mr. Yule moved to indefinitely postpone the motion to reconsider.

On which, the ayes and noes were demanded, by Messrs. Pierce, Porter, and Buckley, and taken, with the following result:

AYES—Messrs. Crane, Evans, Freeman, Gaskill, Hall, Hamilton, Heacock, Henry, Haskin, Lovett, Montgomery, Moyle, Redington, Rush, Shepard, Smith, and Yule—17.

NOES—Messrs. Benton, Buckley, Cunningham, Hartson, Hawes, Pierce, Porter, Roberts, and Wright—9.

So the motion prevailed.

Assembly bill No. 214, an Act to authorize the sale and conveyance to the North San Francisco Homestead and Railroad Association of certain

Overflowed Lands in the City and County of San Francisco—considered as in Committee of the Whole, and reported back without amendment.

Mr. Porter moved to amend by adding to section one the following:

*"Provided, no patent for the lands described in this Act shall pass from the State until they shall have been fully reclaimed, and graded to the established grade of the city."*

The amendment was rejected.

Mr. Porter moved to amend by striking out "Swamp Land Commissioners," and inserting "Harbor Commissioners."

The amendment was rejected.

Mr. Evans moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Gaskill, Evans, and Haskin, and taken, with the following result:

AYES—Messrs. Crane, Evans, Freeman, Gaskill, Henry, Haskin, Kutz, Lovett, Maddox, Montgomery, Redington, Shepard, Smith, and Yule—14.

NOES—Messrs. Benton, Buckley, Cunningham, Dodge, Hale, Hall, Hartson, Haswell, Hawes, Heacock, Moyle, Pierce, Porter, Roberts, Rush, Shafter, and Wright—17.

So the motion was lost.

Mr. Benton moved to amend by striking out in lines sixteen and seventeen the words, "and extending westerly to the Government Reservation."

Mr. Dodge moved to amend by substituting as follows:

*"Provided, that no land shall be claimed by or conveyed to said association by virtue of this Act, except in front of the lands owned by said association."*

Mr. Roberts, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 63, an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

ROBERTS, Chairman.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 403, an Act to extend over the County of Nevada the provisions of the Act entitled an Act concerning



lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 172, an Act to authorize Thomas Cutler, D. M. Kenfield, John Sedgwick, and their associates or assigns, to construct and maintain a toll road in the County of Tuolumne;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma;

Also, Senate bill No. 290, an Act to fix the compensation of the Board of Supervisors of Sonoma County;

Also, Senate bill No. 342, an Act to authorize Andrew B. Forbes, his associates and assigns, to construct a wharf at Green Point, in the County of Alameda;

Also, Senate bill No. 301, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Senate bill No. 318, an Act to grant the right to construct a turnpike road between the Town of Ione City, in Amador County, and Miller's Corral, in El Dorado County;

Also, Senate bill No. 393, an Act for the relief of the State Agricultural Society;

Also, Senate bill No. 413, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four;

And this, the thirty-first day of March, A. D. eighteen hundred and sixty-four, at eleven o'clock and forty-five minutes A. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

The hour arrived for taking up the regular order of business.

Mr. Evans moved to defer the order of business until the bill under consideration should be disposed of.

On which, the ayes and noes were demanded, by Messrs. Pierce, Gaskill, and Wright, and taken, with the following result:

AYES—Messrs. Crane, Dodge, Evans, Freeman, Gaskill, Hartson, Heacock, Henry, Haskin, Kutz, Leonard, Lovett, Maddox, Montgomery, Redington, Shafter, Shepard, Smith, and Yule—19.

NOES—Messrs. Benton, Buckley, Cunningham, Hale, Haswell, Meyers, Moyle, Pierce, Porter, Roberts, and Wright—11.

So the motion was lost.

Consideration of Senate bill No. 367, resumed—amended, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended.

#### REPORTS.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT :—The Committee on Contingent Expenses have examined, and found correct, the following bills :

To A. G. Wright, for Morning Call.....	\$14 00
To Locke & Lavenson.....	5 00
Total .....	\$19 00

*Resolved*, that the Controller of State be and he is hereby required to draw his warrants in favor of the above parties for the several amounts specified, payable out of the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 310, entitled an Act making appropriations for deficiencies in the appropriations made for the fourteenth and fifteenth fiscal years, ending June thirtieth, eighteen hundred and sixty-four, report the same back, and recommend its passage as amended.

CUNNINGHAM, Chairman.

Assembly bill No. 310, above reported, made the special order for to-day, at three o'clock P. M.

Mr. Shafter made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Assembly bill No. 440, have considered the same, and a majority thereof report the same back, and recommend its passage.

SHAFTER,  
DODGE,  
REDINGTON.

Mr. Lovett made the following report :

MR. PRESIDENT :—The select committee, consisting of the Monterey delegation, to whom was referred Assembly bill No. 270, an Act for the building and improvement of certain roads in the County of Monterey, have had the same under consideration, and report the same back with a recommendation that it be indefinitely postponed, for reasons which will be presented in a supplemental report.

LOVETT, for Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 31st, 1864. }

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 326, an Act in relation to proceedings in certain suits ;

Also, passed Assembly bill No. 423, an Act to amend an Act entitled

an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 456, an Act to authorize the Board of Supervisors of Santa Clara County to sell and dispose of the stock of said county in the San Francisco and San José Railroad Company, and to protect its property in the same;

Also, passed Assembly bill No. 459, an Act amendatory of an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two;

Also, this day, adopted Assembly concurrent resolution No. 41, concerning purchase of additional copies of the statutes by the Secretary of State.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, adopted the report of the Committee of Free Conference on Assembly bill No. 329, an Act relating to the establishment of the eastern boundary of the State of California.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 464, an Act to amend an Act concerning roads and highways in the County of Placer.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 411, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe twenty thousand dollars to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same.

O. C. WHEELER,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 464, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 456, above reported, read first and second times, and placed on file.

Assembly bill No. 423, above reported, read first and second times, and referred to the Finance Committee.

Assembly bill No. 459, above reported, read first and second times, and referred to the El Dorado delegation.

Senate concurrent resolution No. 41, above reported, referred to the Committee on State Library.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crane, for an Act to authorize the Oakland and San Antonio Steam Navigation Company to improve the navigation of San Antonio Creek, in Alameda County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

By Mr. Cunningham, for an Act entitled an Act authorizing the Yuba Railroad Company to change its northern terminus.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

## MOTIONS, RESOLUTIONS, ETC.

Mr. Haswell offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be allowed one week, at the usual per diem, to settle up his books and accounts, and for delivering to the State Librarian the books and documents obtained from said Librarian by members of the Senate, and for superintending the return of furniture in Senate Chamber and Committee Rooms to the Secretary of State; said sum to be in full for assistants employed in such removal. Rolla Fuller, Post-office Page, is hereby allowed the sum of twenty-one dollars for remaining at the Capitol one week after the adjournment, to return letters and other mail matter to Senators. The Controller is hereby authorized to draw his warrant for the above, payable out of the appropriation for contingent expenses of the Senate.

The resolution was adopted.

Mr. Rush had leave to withdraw papers and remonstrances from the Senate files relating to the Tehama County funding bill.

On motion of Mr. Maddox, Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties in this State, was taken from the table.

On motion of Mr. Porter, the above bill was recommitted to a select committee, consisting of Messrs. Pierce, Maddox, and Lovett, with instructions to report to-morrow.

Senate bill No. 445, an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two—rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 445, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Mr. Montgomery, from the Committee on Enrolment, made the following report:

MR. PRESIDENT :—Your Committee on Enrolment, to whom were referred certain resolutions concerning the employment of Clerks for the completion of the Senate Journal of the present session, and to provide for the payment of the same, having had the same under consideration,



ask to report to the Senate the accompanying resolution, and recommend the passage of the same. And your committee submit, as reasons for such favorable recommendation, that the persons named in the resolution have been faithful Copying Clerks of the Senate at the present session, and that it has been the custom of the Senate, in years past, to give preference to the Copying Clerks.

*Resolved*, That William A. Plunkett and Frank Hallowell, Copying Clerks of the Senate, are hereby appointed and directed to write up the complete Appendix to the Senate Journal which may be unfinished at the close of the present session, commencing at the last page completed at the time of the adjournment, which page shall be certified to the Controller of State by the Secretary of the Senate; and when completed, the said Plunkett and Hallowell shall deliver the same to the Controller of State, who shall compute and audit the same at the rate of fifteen cents per folio, and draw his warrant in favor of the said Plunkett and Hallowell for the amount found due, payable out of the General Fund.

Respectfully submitted.

MONTGOMERY, for Committee.

Resolution adopted.

Senate bill No. 401, an Act amendatory of an Act entitled an Act to provide for the sale of certain lands belonging to this State, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, and indefinitely postponed.

#### SPECIAL ORDER.

Assembly bill No. 310, an Act making appropriations for deficiencies in the appropriations made for the fourteenth and fifteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-four—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and read third time, and passed.

Senate bill No. 312, an Act to amend an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

The consideration of Assembly bill No. 214 was resumed.

Mr. Dodge's substitute was rejected.

Mr. Benton's amendment was rejected.

The bill was read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hawes, Evans, and Porter, and taken, with the following result:

AYES—Messrs. Evans, Freeman, Gaskill, Hall, Heacock, Henry, Haskin, Kutz, Leonard, Lovett, Maddox, Montgomery, Rush, Shepard, Smith, and Yule—13.

NOES—Messrs. Benton, Burnell, Cot, Hawes, McMurtry, Meyers, Pierce, Porter, Roberts, Shafter, and Wright—11.

So the bill passed.

Assembly concurrent resolution No. 32, relative to a mail route from Los Angeles to Santa Fe, in New Mexico—adopted.

Assembly bill No. 60, an Act to amend an Act entitled an Act to regulate elections, approved April twenty-seventh, eighteen hundred and fifty-five—considered as in Committee of the Whole, reported back with amendments, and amendments concurred in.

Mr. Wright moved to add to section one the following :

*"Provided, that no Election Precinct shall be held at any other place than the one designated by the Board of Supervisors as provided in this Act, unless it shall be shown that a petition with the requisite number of names there to entitle them to a precinct under this Act has been filed with the Board of Supervisors in due time, and the Board of Supervisors have neglected or refused to grant them a precinct as required herein."*

On the adoption of which, the ayes and noes were demanded, by Messrs. Pierce, Wright, and Burnell, and taken, with the following result :

AYES—Messrs. Cot, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Haswell, McMurtry, Redington, Roberts, Shepard, and Wright—15.

NOES—Messrs. Burnell, Hartson, Hawes, Lovett, Montgomery, Pierce, Rush, Shafter, and Yule—9.

So the amendment was adopted.

On ordering the bill read third time, the ayes and noes were demanded, by Messrs. Wright, Pierce, and Leonard, and taken, with the following result :

AYES—Messrs. Freeman, Gaskill, Hamilton, Leonard, Lovett, Maddox, Porter, Roberts, Shepard, Wright, and Yule—11.

NOES—Messrs. Burnell, Cot, Cunningham, Evans, Hartson, Haswell, McMurtry, Montgomery, Moyle, Pierce, Redington, Rush, and Shafter—13.

So the third reading was refused.

Assembly bill No. 101—returned to the file.

Assembly bill No. 160—returned to the file.

Senate bill No. 327, an Act supplementary to an Act entitled an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended:

Senate bill No. 114, an Act amendatory of an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty—considered as in Committee of the Whole, reported back with an amendment, rules suspended, bill considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pierce, Montgomery, and Evans, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cunningham, Evans, Foulke, Gaskill, Hall, Hartson, Haswell, Heacock, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Shepard, and Wright—24.

NOES—Messrs. Cot, Freeman, Maddox, Montgomery, and Rush—5.

So the bill passed.

Mr. Pierce gave notice of a motion to reconsider the above vote.

At five o'clock P. M., the Senate took a recess until seven o'clock P. M.

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EVENING SESSION.

The President called the Senate to order at seven o'clock P. M.

Roll called.

Quorum present.

SPECIAL FILE.

Assembly bill No. 307, an Act to establish police regulations for the harbor of the City and County of San Francisco, and to authorize and empower the Board of Supervisors to regulate the same—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 380, an Act to fix the time of holding the County Courts and Probate Courts in the Counties of Shasta and Mendocino—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 403, an Act to fix the amount of the official bonds of the county officers in and for the County of Klamath—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 322, an Act supplementary to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association, of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 389, an Act to amend an Act entitled an Act to amend an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Mr. Pierce, by leave, made the following report :

MR. PRESIDENT:—Your select committee, to whom was referred Senate bill No. 373, report that they have considered the same, and herewith report the same back with a substitute, and recommend the passage of the substitute.

PIERCE, for Committee.

Assembly bill No. 391, an Act authorizing Samuel Brannan to convey certain lands, for cemetery purposes, in the City and County of Sacra-



mento—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 398, an Act to amend an Act supplementary to an Act to amend an Act to prevent the trespassing of animals upon private property, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 348, an Act to change the name of Charles Erastus Coy to Charles Lyman Snow—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 408, an Act concerning the Superintendent of Common Schools of the County of Sonoma—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 369, an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 429, an Act concerning the office of Public Administrator in the Counties of Shasta and Trinity—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 410, an Act to authorize the Owens River Canal Company to improve the channel of said river—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 401, an Act to prevent the trespassing of hogs, sheep, and goats upon private property in the County of Calaveras—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 414, an Act to amend an Act entitled an Act concerning hogs running at large in the County of Solano—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 419, an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 191, an Act concerning the records of the District Court of the Seventh Judicial District in and for Solano County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 278, an Act for the relief of George Nelson—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 435, an Act to repeal a certain Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy a special tax and create a Redemption Fund for the payment of county indebtedness—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 395, an Act to settle the title to lands in the Village and Town of Branciforte, in the County of Santa Cruz—considered as in



Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 311, an Act to amend an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, and amended April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendment, amendment concurred in, read third time, and passed.

Assembly bill No. 356, an Act to authorize Guadalupe Adelaida Limass to sell property of her minor children, Francisco J. Limass and Ana A. Limass—indefinitely postponed.

Assembly bill No. 416, an Act to provide for funding the indebtedness of the County of Colusa.

On the adoption of a substitute offered by Mr. Rush, the ayes and noes were demanded, by Messrs. Rush, Pierce, and Montgomery, and taken, with the following result:

AYES—Messrs. Cot, Dodge, Evans, Freeman, Hale, Hamilton, Henry, Jones, Leonard, Montgomery, Pierce, Redington, Roberts, Rush, and Shafter—15.

NOES—Messrs. Benton, Burnell, Crane, Cunningham, Gaskill, Hall, Hartson, Haswell, Hawes, Haskin, Lovett, McMurtry, Meyers, Moyle, Porter, Smith, and Wright—17.

So the substitute was rejected.

The bill was then considered as in Committee of the Whole, reported back with amendments, and the amendments concurred in, excepting the amendment to section five.

On motion of Mr. Gaskill, the words "the Building Fund" were stricken out of the substitute for section five.

The amendment was concurred in, and the bill read third time, and passed.

Assembly bill No. 425, an Act the more particularly to define the boundaries of Los Angeles County—considered as in Committee of the Whole, reported back without amendment, and read third time, and passed.

Assembly bill No. 73, an Act concerning the salary of the County Judge of Los Angeles County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 400, an Act to grant the right to construct a turnpike road from the Town of Searsville, in the County of San Mateo, to the Town of Pescadero, in the County of Santa Cruz—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 427, an Act relating to the First Judicial District, and to fix the time of holding the Courts in said district—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 424, an Act to regulate the fees of officers of the County of Trinity—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 402, an Act to grant to the San Francisco Cordage Company the right to construct a wharf in the Bay of San Francisco—

considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 428, an Act fixing the salaries of the county officers of Nevada County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 219, an Act to confirm and legalize certain assessment rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon—indefinitely postponed.

Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 386, an Act to extend the time for the collection of taxes in Monterey County—indefinitely postponed.

Senate bill No. 422, an Act to amend the Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 361, an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 416, an Act supplemental to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 417, an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places, in said city—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 454, an Act to legalize the official bond of J. W. Dickinson, Treasurer of Placer County—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Pierce gave notice of a motion to reconsider the above vote.

Senate bill No. 415, an Act for the improvement of Napa County by providing means for the establishment of an Agricultural Society and the State Agricultural College therein—considered as in Committee of the Whole, reported back without amendment, rules suspended, consid-

ered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 414, an Act to provide for the construction of a turn-pike road in Santa Clara and Santa Cruz Counties—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 379, an Act amendatory of and supplementary to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 314, an Act requiring the Tax Collector of the County of San Diego to collect all taxes levied and assessed on personal property in San Diego County, or be liable on his official bond for the same—indeinitely postponed.

Senate bill No. 300, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax to create a Redemption Fund for the payment of county indebtedness—indeinitely postponed.

Senate bill No. 375, an Act to provide for the sale of certain Swamp and Overflowed Lands in the County of Alameda—referred to the Committee on Swamp and Overflowed Lands.

Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties in this State—substitute adopted, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Mr. Evans, by leave, introduced a bill for an Act to enable the Sonora and Mono Wagon Road Commissioners to settle with the Counties of San Joaquin, Tuolumne, Mono, and Stanislaus.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Mr. Wright moved the Senate do now adjourn.

On which, the ayes and noes were demanded, by Messrs. Wright, Crane, and Dodge, and taken, with the following result:

**AYES**—Messrs. Burnell, Crane, Cunningham, Dodge, Hawes, Leonard, Lovett, McMurtry, Meyers, Redington, Shafter, Smith, Wright, and Yule—14.

**NOES**—Messrs. Benton, Buckley, Cot, Evans, Freeman, Gaskill, Hamilton, Hartson, Haswell, Heacock, Jones, Maddox, Moyle, Pierce, Roberts, and Rush—16.

So the motion was lost.

Assembly bill No. 338, an Act concerning jurors in Plumas County—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed, and title amended.

Assembly bill No. 463, an Act amendatory of and supplementary to an Act concerning roads and highways in certain counties of this State, approved April fourteenth, eighteen hundred and sixty-one—considered



as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Yule gave notice of a motion to reconsider the above vote.

Assembly bill No. 76, an Act to establish and maintain Public Pounds for the better securing of estrays and other stock in the County of San Joaquin—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

At ten o'clock and fifty minutes P. M., on motion of Mr. Smith, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 1st, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Hertel.

Journal of yesterday read and approved.

Mr. Yule moved to reconsider the vote by which the Senate, on yesterday, passed Assembly bill No. 454.

Mr. Benton moved to indefinitely postpone the motion to reconsider.

The motion prevailed.

The Forty-Fifth Rule was suspended, and the bill ordered transmitted to the Assembly immediately.

Mr. Evans moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 114.

Mr. Burnell moved to indefinitely postpone the motion to reconsider.

The motion prevailed.

The Forty-Fifth Rule was suspended, and the bill ordered transmitted to the Assembly immediately.

## REPORTS.

Mr. Jones, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT :—Your Committee on Claims, to whom was referred Assembly bill No. 363, an Act to pay the claim of E. C. Palmer for rent and stationery, have had the same under consideration, report it back, and recommend its passage ;

Also, Assembly bill No. 186, an Act to audit and allow a certain claim, report the same back with an amendment, and recommend the passage of the bill as amended ;

Also, Senate bill No. 262, an Act appropriating money to pay the claim of J. C. Doherty, and report the same back without recommendation.

JONES, Chairman.



Mr. Heacock made the following report :

Mr. PRESIDENT :—Your committee, to whom was referred Assembly concurrent resolution No. 41, relative to the purchase of additional copies of the statutes by the Secretary of State, have had the same under consideration, and report the same back, and recommend its passage;

Also, Assembly bill No. 195, an Act to amend an Act entitled an Act supplemental to an Act entitled an Act providing a Fund for the use of the State Library, passed May first, A. D. eighteen hundred and fifty-two, approved May eleventh, eighteen hundred and fifty-three, and report the same back, and recommend its passage.

HEACOCK, for Committee.

Mr. McMurtry, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three.

McMURTRY, for Committee.

Mr. Maddox made the following report :

Mr. PRESIDENT :—The committee, consisting of the El Dorado delegation, have examined Assembly bill No. 459, entitled an Act amendatory of an Act entitled an Act creating the offices of Township Collectors and Assessors of El Dorado and Amador Counties, approved April twenty-fifth, eighteen hundred and sixty-two, and report the same back without amendment, and recommend its passage.

MADDOX, for Committee.

Assembly bill No. 459, above reported, was taken up under a suspension of the rules, and read third time, and passed.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate resolution in reference to the liabilities incurred by the State of California in the suppression of Indian hostilities, herewith report a statement obtained of the Adjutant-General, in whose office the vouchers for the same are filed.

Also, in accordance with the instructions of the Senate, herewith report a bill entitled an Act to provide for paying certain claims against the State of California, and to contract a funded debt for that purpose.

CUNNINGHAM, Chairman.

[For statement referred to, see Appendix.]

The Finance Committee, by leave, introduced a bill for an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose.

Read first and second times, and rules suspended.

On the indefinite postponement of the bill, the ayes and noes were de-

manded, by Messrs. Pierce, Crane, and Heacock, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Haskin, Jones, Leonard, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, Smith, Wright, and Yule—32.

NOES—Messrs. Cot and Montgomery—2.

So the bill was indefinitely postponed.  
Mr. Hamilton made the following report:

MR. PRESIDENT:—The Los Angeles delegation, to whom was referred Assembly bill No. 460, an Act to fund the indebtedness of the County of Los Angeles, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

HAMILTON, for Delegation.

Assembly bill No. 460, above reported, was taken up under a suspension of the rules, read third time, and passed.

Mr. Hale moved to reconsider the vote by which the Senate, on yesterday, adopted the report of the Committee on Enrolment, authorizing William A. Plunkett and Frank Hallowell to copy and write up the Senate Appendix.

The motion prevailed.

Mr. Hale moved to amend by striking out the words "General Fund," and inserting the words "the appropriation for contingent expenses of the Senate."

The amendment was adopted.

The resolution, as amended, was adopted.

Mr. Cunningham made the following report:

MR. PRESIDENT:—The Yuba delegation, to whom was referred Assembly bill No. 379, entitled an Act to enforce the collection of road taxes in Yuba County, report the same back, and recommend its passage.

CUNNINGHAM,  
HASWELL.

Assembly bill No. 379, above reported, was taken up under a suspension of the rules, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 30th, 1864. }

MR. PRESIDENT:—The Assembly this day refused to concur in Senate amendment to section one of Assembly bill No. 261, and concurred in Senate amendment to section two thereof, and respectfully ask the Senate to recede from the first amendment.

O. C. WHEELER,  
Chief Clerk.

## ASSEMBLY CHAMBER,

March 31st, 1864. }

Mr. PRESIDENT:—The Assembly, on the thirtieth instant, passed Assembly bill No. 451, an Act amendatory of an Act to authorize D. B. Northrup, Horace Cole, E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three;

Also, passed Assembly bill No. 461, an Act defining the legal distances from the county seat of Lassen County to the State Capital, Lunatic Asylum, and State Prison;

Also, passed Senate bill No. 430, an Act to authorize the County of Alameda to aid in the construction of the Alameda Valley Railroad Company and the railroad of the Western Pacific Railroad Company, and to create a funded debt for the payment of the same;

Also, passed Assembly bill No. 465, an Act to provide for the saving and transfer of causes pending in the District Court in and for the County of Contra Costa;

Also, passed Assembly bill No. 466, an Act amendatory of and supplemental to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty.

R. H. DALY,

Assistant Clerk.

## ASSEMBLY CHAMBER,

March 31st, 1864. }

Mr. PRESIDENT:—The Assembly, this day, adopted Assembly concurrent resolution No. 42, to compensate Owen Curran for extra services during the fifteenth session of the Legislature;

Also, passed Senate bill No. 348, an Act to create the County of Coso, to define its boundaries, and to provide for its organization;

Also, passed Senate bill No. 389, an Act granting bounties to the volunteers of this State in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds;

Also, concurred in Senate concurrent resolution No. 32, relative to acceptance of benefits of an Act of Congress donating lands to this State and Territories;

Also, passed Senate bill No. 353, an Act supplementary to an Act to amend an Act concerning Notaries Public, passed April twenty-fifth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 399, an Act making the County Clerk of Colusa County ex officio Recorder and Auditor, and to fix his compensation;

Also, passed Senate bill No. 402, an Act providing for the time of holding the District Court in Merced County;

Also, passed Senate bill No. 412, an Act in relation to Swamp Land District Funds;

Also, passed Senate bill No. 431, an Act authorizing the Fast Freight and Express Company to change its principal place of business;

Also, passed Senate bill No. 433, an Act to continue the powers and provisions of an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle claims to real

estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two ;

Also, passed Senate bill No. 434, an Act to amend an Act entitled an Act to reincorporate the City of Placerville, approved April sixth, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 436, an Act amendatory and supplementary to an Act entitled an Act to regulate the fees of officers in the County of Alameda, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 437, an Act to authorize the County Recorder of El Dorado County to employ a Clerk.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 310, an Act to repeal an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty ;

Also, this day, passed Senate bill No. 319, an Act to appropriate money to pay the claim of J. T. Hall ;

Also, this day, passed Senate bill No. 371, an Act to confer certain powers on the Board of Supervisors of the Counties of Santa Clara and San Mateo, and the City and County of San Francisco, in relation to the interest and stock held by said counties and city in the San Francisco and San José Railroad ;

Also, this day, passed Senate bill No. 392, an Act conferring certain powers on the Board of Supervisors of Placer County ;

Also, this day, passed Senate bill No. 418, an Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-four ;

Also, on the thirtieth instant, passed Assembly bill No. 452, an Act to authorize the Sheriff of San Francisco County to appoint a Matron for the County Jail, and other matters relating thereto ;

Also, same day, passed Assembly concurrent resolution No. 42, authorizing the payment of expenses of the committee appointed to investigate concerning the causes of the destruction of a battery of artillery on the night of the fourteenth of February, eighteen hundred and sixty-four ;

Also, this evening, adopted Assembly concurrent resolution No. 44, relative to increase of pay of officers and soldiers of the United States stationed on the Pacific Coast, and respectfully ask the Senate to concur in the same ;

Also, this evening, concurred in Senate amendments to Assembly bill No. 310, an Act making appropriations for deficiencies in the appropriations made for the fourteenth and fifteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-four ;

Also, this evening, concurred in Senate amendments to Assembly bill



No. 445, an Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1864. }

Mr. PRESIDENT:—The Assembly, on the thirty-first of March, concurred in Senate amendments to Assembly bill No. 389, an Act to amend an Act entitled an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, same day, concurred in Senate amendments to Assembly bill No. 398, an Act to amend an Act supplementary to an Act to amend an Act to prevent the trespassing of animals upon private property, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, same day, concurred in Senate amendments to Assembly bill No. 359, an Act concerning partnerships for mining purposes;

Also, same day, passed Assembly bill No. 455, an Act to incorporate the Town of Markleeville:

Also, same day, amended and passed Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, same day, passed Senate bill No. 327, an Act supplemental to an Act entitled an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four;

Also, same day, passed Senate bill No. 425, an Act to provide for the election of Supervisors in the County of Amador;

Also, same day, passed Senate bill No. 439, an Act to authorize the Oakland and San Antonio Steam Navigation Company to improve the navigation of the San Antonio Creek, in Alameda County;

Also, same day, passed Assembly bill No. 437, an Act for the relief of Mathew Mullen and others.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 465, above reported, read first and second times, and placed on file.

Assembly bill No. 437, above reported, read first and second times, and placed on file.

Assembly bill No. 451, above reported, read first and second times, and placed on file.

Assembly bill No. 455, above reported, read first and second times, and referred to the Amador delegation.

Assembly bill No. 452, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 461, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly concurrent resolution No. 42, above reported, was indefinitely postponed.

Senate concurred in Assembly amendments to Senate bill No. 372, above reported.

The Senate receded from its amendments to Assembly bill No. 261, above reported.

Assembly concurrent resolution No. 43, above reported, was taken up.

On the motion to concur in the resolution, the ayes and noes were demanded, by Messrs. Rush, Pierce, and Hale, and taken, with the following result :

AYES—None.

NOES—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hamilton, Hartson, Haswell, Hawes, Heacock, Henry, Jones, Kutz, Lovett, McMurtry, Meyers, Montgomery, Moyle, Pierce, Redington, Rush, Shafter, and Wright—29.

So the Senate refused to concur.

Mr. Benton gave notice of a motion to reconsider the above vote.

Assembly bill No. 466, above reported, was read first and second times.

On the motion to suspend the rules and place it upon its third reading now, the ayes and noes were demanded, by Messrs. Jones, Pierce, and Hartson, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Evans, Foulke, Hale, Hamilton, Hartson, Haswell, Heacock, Henry, Jones, Lovett, Maddox, Meyers, Pierce, Porter, and Wright—18.

NOES—Messrs. Buckley, Crane, Cunningham, Gaskill, Hawes, Kutz, Montgomery, Moyle, Rush, Shafter, and Shepard—11.

So the motion was lost.

The bill was then considered as in Committee of the Whole, and reported back without amendment.

On ordering the bill read third time, the ayes and noes were demanded, by Messrs. Crane, Dodge, and Rush, and taken, with the following result :

AYES—Messrs. Cot, Evans, Foulke, Hale, Hartson, Haswell, Heacock, Jones, Lovett, Maddox, Moyle, Pierce, and Porter—13.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Gaskill, Hamilton, Hawes, McMurtry, and Rush—9.

So the bill was ordered read third time.

The bill was then read third time, and passed.

Senate concurred in Assembly concurrent resolution No. 44, above reported.

Mr. Crane, by leave, introduced a bill for an Act supplementary to an Act granting the right of way, and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further

suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Mr. Jones, by leave, introduced a bill for an Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Burnell, by leave, made a verbal report, recommending the passage of Assembly bill No. 455, an Act to incorporate the Town of Markleeville.

Assembly bill No. 455, above reported, was taken up, rules suspended, read third time, and passed.

Mr. Henry, by leave, introduced a bill for an Act to appropriate money for deficiencies in the appropriations for the fifteenth session of the Legislature.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, rules further suspended, the bill read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Jones offered the following resolution :

*Resolved*, That the Assistant Clerk at the desk and the Minute Clerk of the Senate be allowed the same amount for filing away and arranging the papers of the Senate as allowed by law to the Secretary, and the Controller of State is hereby authorized to draw his warrants, as above, on the Contingent Fund of the Senate.

Adopted.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 364, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, Senate bill No. 370, an Act to fix the time of holding the District Court in the Second Judicial District ;

Also, Senate bill No. 402, an Act providing for the time of holding the District Court in Merced County ;

Also, Senate bill No. 431, an Act to authorize the Fast Freight and Express Company to change its principal place of business ;

Also, Senate bill No. 326, an Act in relation to proceedings in certain suits ;

Also, Senate bill No. 169, an Act concerning assessments upon the stock of corporations ;

Also, Senate bill No. 353, an Act supplementary to an Act to amend an Act concerning Notaries Public, passed April twenty-fifth, eighteen hundred and sixty-two ;

Also, Senate concurrent resolution No. 32, relative to acceptance of benefits of an Act of Congress donating lands to the States and Territories ;

Also, Senate bill No. 411, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe twenty thousand dollars



to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same;

And on this the first day of April, A. D. eighteen hundred and sixty-four, at twelve o'clock M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Shafter offered the following resolution:

*Resolved*, That the General File shall be first in order this and to-morrow evenings.

On the adoption of which, the ayes and noes were demanded, by Messrs. Gaskill, Freeman, and Cot, and taken, with the following result:

AYES—Messrs. Burnell, Cunningham, Dodge, Gaskill, Hall, Hartson, Haswell, Kutz, Montgomery, Redington, Roberts, Shafter, and Wright—13.

NOES—Messrs. Benton, Buckley, Cot, Evans, Foulke, Freeman, Hamilton, Hawes, Heacock, Jones, Leonard, Lovett, McMurtry, Meyers, Moyle, Rush, and Yule—17.

So the resolution was rejected.

#### GENERAL FILE.

Assembly bill No. 233, an Act amendatory of and supplementary to an Act, passed March twenty-third, eighteen hundred and fifty, to regulate elections—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 248, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 323, an Act to enforce the collection of poll taxes—considered in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 335, an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved March third, eighteen hundred and sixty-three—considered in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 140, an Act for the preservation of the public health—considered in Committee of the Whole, reported back with amendments, amendments concurred in.

On motion of Mr. Pierce, the enacting clause was stricken out.

Assembly bill No. 288, an Act amendatory of an Act entitled an Act to regulate marriages—indefinitely postponed.

Assembly bill No. 289, an Act to amend an Act concerning grand and trial jurors, passed April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 279, an Act supplementary to and amendatory of the Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one—considered as in Commit-



tee of the Whole, reported back with amendments, and indefinitely postponed.

Assembly bill No. 347, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-eighth, eighteen hundred and sixty—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 418, an Act supplemental to an Act entitled an Act to amend an Act relating to corporations, passed May eighteenth, eighteen hundred and fifty-three—considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Kutz, Moyle, and Pierce, and taken, with the following result:

AYES—Messrs. Buckley, Cunningham, Hall, Haswell, and Heacock—5.

NOES—Messrs. Benton, Burnell, Crane, Hawes, Kutz, Maddox, McMurry, Meyers, Moyle, Pierce, Porter, Roberts, Rush, Shafter, Shepard, and Smith—16.

So the bill did not pass.

Mr. Smith gave notice of a motion to reconsider the above vote.

Assembly bill No. 294, an Act to provide for the publication and distribution of the annual reports of the State officers—indefinitely postponed.

Mr. Porter gave notice of a motion to reconsider the above vote.

Assembly bill No. 352, an Act amendatory of and supplemental to an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 139, an Act to promote the study of anatomy—the report of the committee to whom the bill was recommitted with special instructions was adopted, the bill read third time, and passed.

Assembly bill No. 34, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one—indefinitely postponed.

Leave of absence was granted to Messrs. Redington and Rush.

Assembly bill No. 430, an Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 447, an Act to preserve and secure the rights of parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning forcible entries and unlawful detainers—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 392, an Act supplementary to an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 223, an Act to provide for the collection of statistics—indefinitely postponed.

Assembly bill No. 268, an Act for the protection of parties purchasing lands of this State, and for providing for resurveys of such lands in certain cases—*indefinitely postponed*.

Assembly bill No. 374, an Act to amend an Act entitled an Act to authorize the sale of certain real estate by Guardians, approved April tenth, eighteen hundred and sixty—*indefinitely postponed*.

Senate bill No. 378, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved April fourth, eighteen hundred and sixty-one—*indefinitely postponed*.

Assembly bill No. 203, an Act to authorize the Governor to convey certain real estate—*indefinitely postponed*.

The report of the Committee on Elections, in the case of Ramirez vs. Hamilton, was made the special order for to-night at seven o'clock P. M.

Assembly bill No. 364, an Act concerning moneys deposited in Courts of record in this State—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 166, an Act condemning parts of certain streets adjacent to the Insane Asylum in the City of Stockton, for Asylum purposes—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Cot gave notice of a motion to reconsider the vote by which the Senate this day indefinitely postponed Assembly bill No. 374.

Assembly bill No. 354, an Act to extend the provisions of an Act entitled an Act to appropriate funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 415, an Act to amend an Act entitled an Act to divide the State into Judicial Districts—considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage, the roll was called, and the vote taken, with the following result :

**AYES**—Messrs. Benton, Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hall, Hamilton, Hartson, Hawes, Heacock, Henry, Jones, Kutz, Leonard, Maddox, McMurtry, Meyers, Montgomery, Pierce, Porter, Roberts, Shafter, Shepard, Smith, and Wright—30.

**NOES**—None.

So the bill passed.

Assembly bill No. 254, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Mr. Smith moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Benton, Wright, and Crane, and taken, with the following result :

**AYES**—Messrs. Benton, Gaskill, Hamilton, and Wright.

**NOES**—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Hall, Hawes, Heacock, Henry, Jones, Kutz, Leonard, Lovett, Maddox, McMurtry, Meyers, Montgomery, Pierce, Porter, Roberts, Shafter, Shepard, Smith, and Yule—27.

So the motion was lost.

The bill was then read third time, and made the special order for this evening, together with Assembly bills Nos. 255 and 256, immediately after the consideration of the report of the Committee on Elections.

Assembly bill No. 444, an Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four, as amended by an Act approved April seventeenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Senate bill No. 380, an Act concerning a State Alms-house.

Mr. Gaskill moved to strike out section one.

On which, the ayes and noes were demanded, by Messrs. Cunningham, Buckley, and Haswell, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Freeman, Gaskill, Hamilton, Hawes, Leonard, Maddox, McMurtry, Meyers, Pierce, and Shepard—12.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Haswell, Heacock, Kutz, Moyle, Porter, Roberts, Shafter, Wright, and Yule—14.

So the motion was lost.

Considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

The bill was further amended in Senate, when—

Mr. Leonard moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Cunningham, Gaskill, and Haswell, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Freeman, Gaskill, Hall, Hartson, Leonard, Maddox, McMurtry, Meyers, Pierce, Porter, and Shepard—13.

NOES—Messrs. Buckley, Crane, Cunningham, Dodge, Foulke, Haswell, Heacock, Kutz, Moyle, Roberts, Shafter, Wright, and Yule—13.

So the bill was indefinitely postponed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 439, an Act to authorize the Oakland and San Antonio Steam Navigation Company to improve the navigation of the San Antonio Creek, in Alameda County ;

Also, Senate bill No. 434, an Act to amend an Act entitled an Act to reincorporate the City of Placerville, approved April sixth, eighteen hundred and sixty-three ;

Also, Senate bill No. 310, an Act to repeal an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one ;

Also, Senate bill No. 348, an Act to create the County of Coso, to define its boundaries, and to provide for its organization.

Also, Senate bill No. 412, an Act in relation to Swamp Land District Funds ;



Also, Senate bill No. 392, an Act conferring certain powers on the Board of Supervisors of Placer County;

Also, Senate bill No. 319, an Act to appropriate money to pay the claim of J. F. Hall;

Also, Senate bill No. 437, an Act to authorize the County Recorder of El Dorado County to employ a Clerk;

Also, Senate Bill No. 433, an Act to continue the powers and provisions of an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle claims to real estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 430, an Act to authorize the County of Alameda to aid in the construction of the Alameda Valley Railroad, and the railroad of the Western Pacific Railroad Company, and to create a funded debt for the payment of the same;

Also, Senate bill No. 399, an Act making the County Clerk of Colusa County ex officio Recorder and Auditor, and fixing his compensation;

Also, Senate bill No. 389, an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds;

And on this, the first day of April, A. D. eighteen hundred and sixty-four, at four o'clock and thirty minutes P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

At five o'clock P. M., the Senate took a recess until seven o'clock P. M.

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#### EVENING SESSION.

The President called the Senate to order at seven o'clock P. M.

Roll called.

Quorum present.

#### SPECIAL ORDER.

Report of Committee on Elections in the contested case of Ramirez vs. Hamilton.

The report was adopted.

[For report, see Appendix.]

Assembly bill No. 254—ordered to top of file for to-morrow.

Assembly bill No. 255—ordered to top of file for to-morrow.

Assembly bill No. 256—ordered to top of file for to-morrow.

#### SPECIAL FILE.

Senate bill No. 394, an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its extension—considered as in Committee of the Whole, reported



back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 446, an Act to authorize certain parties to construct a lock at the outlet of Clear Lake—indefinitely postponed.

Assembly bill No. 438, an Act supplemental to an Act entitled an Act to amend an Act abolishing the office of County Assessor and establishing the office of Township Assessors in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties and the duties of the other officers connected with the collection and disbursement of the revenue of said county more clearly, approved April twenty-fourth, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 443, an Act supplementary to an Act entitled an Act to make certain offices in the County of Calaveras salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 457, an Act to encourage the construction of telegraph lines so as to place the Colorado River in telegraphic communication with the City of San Francisco.

#### MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up under a suspension of the rules:

ASSEMBLY CHAMBER, }  
April 1st, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly concurrent resolution No. 48, to authorize the Enrolling Clerk to insert an enacting clause in Assembly bill No. 466, an Act amendatory of and supplementary to an Act entitled an Act to regulate the estates of deceased persons, passed May sixth, eighteen hundred and fifty.

R. H. DALY,  
Assistant Clerk.

Assembly concurrent resolution No. 48, above reported, was concurred in.

Consideration of Assembly bill No. 457 resumed.

Mr. Hale moved to strike out the word "exclusion," in the twenty-second line, section one.

The amendment was adopted.

The bill was indefinitely postponed.

#### FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were then taken up:

ASSEMBLY CHAMBER, }  
April 1st, 1864: }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 469, an Act to appropriate money to pay for re-mounting a battery of guns;

Also, this day, passed Assembly concurrent resolution No. 47, requesting the Governor to offer a reward for information that will lead to the

conviction of the person who set fire to the building in which was stored the battery of guns destroyed on the night of the nineteenth of March, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 1st, 1864. }

MR. PRESIDENT:—The Assembly, this day, adopted Assembly concurrent resolution No. 46, concerning Joint Convention for the purpose of electing Trustees for State Reform School, and respectfully ask the concurrence of the Senate in the same;

Also, this day, passed Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States, with an amendment, in which they ask the concurrence of the Senate.

O. C. WHEELER.  
Chief Clerk.

ASSEMBLY CHAMBER, }  
April 1st, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties in this State;

Also, this day, passed Senate bill No. 361, an Act to fix the compensation of officers, to provide for the funding of the floating debt of the County of Santa Barbara, and prohibiting the contracting of any new indebtedness against said county;

Also, this day, passed Assembly bill No. 467, an Act to provide for a railroad through certain streets in the City of San José;

Also, this day, passed Assembly bill No. 468, an Act for the better protection of certain records of Napa County.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 1st, 1864. }

MR. PRESIDENT:—The Assembly, this day, concurred in Senate amendments to Assembly bills as follows:

Assembly bill No. 73, an Act concerning the salary of the County Judge of Los Angeles County;

Also, Assembly bill No. 311, an Act to amend an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, amended April twenty-fifth, eighteen hundred and sixty-three;

Also, Assembly bill No. 416, an Act to provide for funding the indebtedness of the County of Colusa;

Also, Assembly bill No. 338, an Act concerning jurors in Plumas County.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate concurred in Assembly amendments to Senate bill No. 12<sup>o</sup>, above reported.

Assembly bill No. 468, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed.

Assembly bill No. 467, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 469, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly concurrent resolution No. 46, above reported, concurred in.

Assembly concurrent resolution No. 47, above reported, concurred in.

Senate bill No. 238, an Act concerning the State revenue—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Moyle, Meyers, and McMurtry, and taken, with the following result:

**AYES**—Messrs. Burnell, Cot, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Hawes, Henry, Jones, Lovett, Meyers, Montgomery, Pierce, Porter, Rush, Shafter, and Yule—21.

**NOES**—Messrs. Benton, Evans, Hartson, Heacock, Leonard, Maddox, McMurtry, Moyle, Roberts, Smith, and Wright—11.

So the bill passed.

The Forty-Fifth Rule was suspended, and the bill ordered transmitted to the Assembly immediately.

Assembly bill No. 436, an Act supplementary to an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Assembly bill No. 440, an Act granting to certain parties the right to construct a macadamized road within the City and County of San Francisco—considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Pierce, Hawes, and Buckley, and taken, with the following result:

**AYES**—Messrs. Benton, Buckley, Burnell, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hall, Hartson, Heacock, Haskin, Jones, Leonard, Lovett, Maddox, Meyers, Montgomery, Moyle, Shafter, Smith, and Yule—23.

**NOES**—Messrs. Hale, Hamilton, Hawes, Porter, Roberts, and Wright—6.

So the bill passed.

## FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

April 1st, 1864. }

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 394, an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution ;

Also, passed Assembly bill No. 470, an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino ;

Also, passed Senate bill No. 422, an Act to amend an Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 444, an Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto ;

Also, passed Senate bill No. 443, an Act supplementary to an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 442, an Act to appropriate money for deficiencies in the appropriations for the fifteenth session of the Legislature ;

Also, passed Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three ;

Also, passed Senate bill No. 63, an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three ;

Also, this day, concurred in Senate amendments to Assembly bill No. 233, an Act amendatory of and supplementary to an Act, passed March twenty-third, eighteen hundred and fifty, to regulate elections ;

Also, this day, concurred in Senate amendments to Assembly bill No. 335, an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved March third, eighteen hundred and sixty-three ;

Also, this day, concurred in Senate amendments to Assembly bill No. 392, an Act supplementary to an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three.

R. H. DALY,

Assistant Clerk.

Assembly bill No. 470, above reported, read first and second times, rules suspended, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

On the motion to adjourn, the ayes and noes were demanded, by Messrs. Yule, Foulke, and Jones, and taken, with the following result :

AYES—Messrs. Burnell, Dodge, Evans, Freeman, Hawes, Maddox, Montgomery, Pierce, Shafter, and Yule—10.



NOES—Messrs. Benton, Buckley, Cunningham, Foulke, Gaskill, Hall, Hamilton, Hartson, Jones, Leonard, Lovett, McMurtry, Meyers, Moyle, Roberts, Smith, and Wright—17.

So the motion was lost.

Mr. Lovett moved to suspend the rules and take up for consideration Assembly bill No. 439.

On which, the ayes and noes were demanded, by Messrs. Evans, Montgomery, and Dodge, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Hartson, and Lovett—4.

NOES—Messrs. Burnell, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Hamilton, Hawes, Heacock, Henry, Jones, Leonard, Maddox, McMurtry, Meyers, Montgomery, Moyle, Roberts, Shafter, Smith, Wright, and Yule—25.

So the motion was lost.

Senate bill No. 429, an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 398, an Act to ascertain and fix the compensation of the Sheriff of Alameda County—indefinitely postponed.

Assembly bill No. 270, an Act for the building and improvement of certain roads in the County of Monterey—indefinitely postponed.

Assembly bill No. 174, an Act to authorize the Board of Supervisors of San Joaquin County to levy and collect a special tax for the liquidation of the remaining debt of the San Joaquin Valley Agricultural Society—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

The further reading of the bill was about to be discontinued, when—

Mr. Pierce demanded that the reading of the bill be continued.

Mr. Yule moved that the further reading of the bill be dispensed with.

The motion prevailed.

The bill was then read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 406, an Act to extend the time for the completion of a wharf in the City and County of San Francisco—substitute adopted, considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Assembly bill No. 456, an Act authorizing the Board of Supervisors of Santa Clara County to sell and dispose of the stock of said county in the San Francisco and San José Railroad Company, and to protect its property in the same—indefinitely postponed.

Senate bill No. 390, an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, bill considered engrossed, and read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 410, an Act for the relief of W. W. Price—considered as in Committee of the Whole, reported back without amendment, rules

suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 360, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State—approved April twenty-ninth, eighteen hundred and fifty-two—considered as in Committee of the Whole, reported back without amendment, rules suspended, the bill considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 397, an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 400, an Act to amend an Act entitled an Act for the relief of the enlisted men of the California Volunteers in the service of the United States—indeinitely postponed.

Senate bill No. 366, an Act to authorize the sale and conveyance to Edward W. O'Neil, of certain Overflowed Land in the City and County of San Francisco—laid on the table.

At thirty minutes past eleven o'clock P. M., on motion of Mr. Hale, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, April 2d, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend N. R. Peck.

On motion of Mr. Dodge, the reading of the Journal of yesterday was dispensed with.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 1st, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 293, an Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 315, an Act in relation to the office of Superintendent of Common Schools in San Diego County;

Also, Senate bill No. 267, an Act providing for the time of holding the County and Probate Courts in the Counties of Alameda and Napa;

Also, Senate bill No. 352, an Act to amend an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two;

Also, Senate bill No. 381, an Act to change the name of Andrew Smith to Andrew Hallidie;

Also, Senate bill No. 387, an Act to change the name of Amasa Maurice Craig and Laura Craig;

Also, Senate bill No. 289, an Act for the regulation and improvement of the Town of Napa City;

Also, Senate bill No. 297, an Act supplementary to the Act entitled an Act concerning crimes and punishments;

Also, Senate bill No. 335, an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco;

Also, Senate bill No. 170, an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents;

Also, Senate bill No. 213, an Act to define the boundary lines of the County of Sutter;

Also, Senate bill No. 254, an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 332, an Act for the relief of the Burning Moscow Gold and Silver Mining Company;

Also, Senate bill No. 368, an Act concerning corporations;

Also, Senate bill No. 328, an Act concerning Common Schools in the City of Placerville;

Also, Senate bill No. 421, an Act defining the legal distances from the county seat of Alpine County to the Capital, Lunatic Asylum, and State Prison;

Also, Senate bill No. 316, an Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego;

Also, Senate bill No. 341, an Act to provide for the election of the Police Judge of the City of Sacramento at the time of the election of other judicial officers;

Also, Senate bill No. 355, an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates, and assigns, therein named;

Also, Senate bill No. 175, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;

Also, Senate bill No. 365, an Act to enable the State to acquire title to certain grounds adjoining the State Prison grounds at Point San Quentin, for State Prison purposes;

Also, Senate bill No. 257, an Act directing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department;

Also, Senate bill No. 287, an Act to fix the salary of the Clerk of the Board of Supervisors of the County of Sonoma;

Also, Senate bill No. 393, an Act for the relief of the State Agricultural Society;

Also, Senate bill No. 413, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe fifty thousand dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four;



Also, Senate bill No. 342, an Act to authorize Andrew B. Forbes, his associates and assigns, to construct a wharf at Green Point, in the County of Alameda;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, Senate bill No. 301, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Senate bill No. 403, an Act to extend over the County of Nevada the provisions of the Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 290, an Act to fix the compensation of the Board of Supervisors of Sonoma County;

Also, Senate bill No. 299, an Act to confer certain powers on the Board of Supervisors of the County of Sonoma.

FRED'K F. LOW,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Haskin, for an Act for the election of county officers in Mono County.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended.

On motion of Mr. Hartson, the Committee on Enrolment were directed to return to the Senate Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

The motion by which the bill was considered engrossed, read third time, and passed, was then reconsidered, the bill considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended.

Mr. Porter moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly bill No. 294, an Act to provide for the publication and distribution of the annual reports of the State officers.

The motion prevailed, and the bill was read third time, and passed.

Mr. Cot moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly bill No. 374, an Act to amend an Act entitled an Act to authorize the sale of certain real estate by Guardians, approved April tenth, eighteen hundred and sixty.

The motion prevailed, and the bill was amended, read third time, and passed.

On motion of Mr. Hall, Senate bill No. 366, an Act to authorize the sale and conveyance to Edward W. O'Neil of certain Overflowed Lands in the City and County of San Francisco, was taken from the table.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Wright, Jones, and Hall, and taken, with the following result:



AYES—Messrs. Dodge, Evans, Freeman, Gaskill, Hall, Hamilton, Heacock, Haskin, Jones, Lovett, Maddox, McMurtry, Montgomery, Redington, Shafter, and Yule—16.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Cunningham, Foulke, Hale, Hartson, Haswell, Hawes, Meyers, Porter, Roberts, Rush, Smith, and Wright—17.

So the engrossment was refused.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, on the first instant, passed Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same ;

Also, passed Senate bill No. 347, an Act to aid in the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto ;

Also, passed Senate bill No. 258, an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, yesterday, concurred in certain Senate amendments to Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six, and refused to concur in certain other amendments of the Senate to the same bill, from which the House asks the Senate to recede.

R. H. DALY,  
Assistant Clerk.

Assembly bill No. 176, above reported, was taken up.

On motion of Mr. Evans, the Senate adhered to their amendments, and the President appointed as a Committee of Free Conference on the disagreement between the two Houses, Messrs. Evans, Cunningham, and Buckley.

Mr. Hawes moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate bill No. 380, an Act concerning a State Alms-house.

Pending the consideration of the above motion, the hour arrived for convening in Joint Convention.

On motion of Mr. Burnell, the Senate took a recess for ten minutes.

## SENATE RE-ASSEMBLED.

Senate called to order by the President.

Roll called.

Quorum present.

The Clerk of the Assembly announced that the Assembly were now ready to meet the Senate in Joint Convention, pursuant to Assembly concurrent resolution No. 46, for the purpose of electing three Trustees of the State Reform School.

On motion of Mr. Evans, the Senate proceeded to the Assembly Chamber.

## IN JOINT CONVENTION.

Lieutenant-Governor Machin and Speaker Sears presiding.

Senate roll called.

Absent—Messrs. Hale, Hartson, Heacock, Henry, Kutz, Leonard, Lovett, Maddox, Montgomery, Pierce, Rush, Tuttle, and Yule.

Assembly roll called.

Absent—Messrs. Beaman, Campbell of San Francisco, Chappell, Clark, Devoc, Erkson, Hill, Hittell, Jenison, Kewen, Rhoads, Scott of Alameda, Scott of Siskiyou, Teare, Van Leuven, Van Schaick, Watson, and Wiley.

The President announced the object of the Convention to be the election of three Trustees for the State Reform School at Marysville, in accordance with Assembly concurrent resolution No. 46.

## FOR TRUSTEES OF STATE REFORM SCHOOL.

Nominations now being in order:

Mr. Dow nominated William H. Parks.

Mr. Beaman nominated William Hawley.

Mr. Hubbard nominated Charles M. Gorham.

Mr. Cunningham nominated Jacob Deeth.

The Secretary of the Senate and Clerk of the Assembly were appointed Tellers.

The roll was then called, with the following result:

Names.	Parks.	Hawley.	Gorham.	Deeth.
Benton.....		1	1	1
Buckley .....		1	1	1
Burpell.....	1	1	1	.....
Cot.....	1	1	1	.....
Crane .....	1	1	1	.....
Cunningham.....		1	1	1
Dodge .....	1	1	1	.....
Evans.....		1	1	1
Foulke.....	1	1	.....	1
Freeman.....	1	.....	1	1
Gaskill .....	1	1	1	.....
Hale .....		1	1	1
Hall.....		1	1	1
Hamilton.....	1	.....	1	1
Haswell.....	1	1	1	.....

Names.	Parks.	Hawley.	Gorham.	Deeth.
Hawes.....	1	.....	1	1
Henry.....	1	1	.....	1
Haskin.....	1	.....	1	1
Jones.....	.....	1	1	1
McMurtry.....	1	.....	1	1
Meyers.....	1	1	1	.....
Montgomery.....	1	.....	1	1
Moyle.....	1	1	1	.....
Porter.....	1	.....	1	1
Redington.....	1	1	1	.....
Roberts.....	1	1	1	.....
Shafter.....	1	1	1	.....
Shepard.....	1	.....	1	1
Smith.....	.....	1	1	1
Wright.....	1	.....	1	1
Yule.....	1	.....	1	1
Allen.....	1	.....	1	1
Alley.....	.....	1	1	1
Badlam.....	1	.....	1	1
Beaman.....	.....	1	1	1
Bowman.....	1	1	1	.....
Boulware.....	1	1	1	.....
Brooks.....	1	.....	1	1
Brown of Amador.....	1	1	1	.....
Brown of Tulare.....	1	.....	1	1
Campbell of El Dorado.....	1	1	1	.....
Campbell of San Francisco.....	1	1	.....	1
Castro.....	1	1	1	.....
Cherry.....	1	1	1	.....
Clayton.....	1	1	1	.....
Devoe.....	.....	1	1	1
Dickinson.....	1	1	1	.....
Dodson.....	.....	1	1	1
Dow.....	1	1	1	.....
Dutton.....	1	1	1	.....
Dyer.....	.....	1	1	1
Erkson.....	1	.....	1	1
Fraser.....	1	1	.....	1
Gray.....	1	1	1	.....
Green.....	1	1	1	.....
Hartsough.....	1	1	1	.....
Hill.....	1	.....	1	1
Hittell.....	1	1	1	.....
Hubbard.....	1	1	1	.....
Hunt.....	.....	1	1	1
Johnson.....	1	1	1	.....
Kendrick.....	1	.....	1	1
Kewen.....	1	.....	1	1
Langdon.....	1	1	1	.....
Littlefield.....	1	1	.....	1
Ludlow.....	.....	1	1	1

Names.	Parks.	Hawley.	Gorham.	Deeth.
Lux.....		1	1	1
Martin.....	1	1	1	
McColliam.....	1	1	1	
Mebius.....	1	1	1	
Owen.....	1	1	1	
Parker.....	1	1	1	
Perley.....	1		1	1
Perrin.....	1	1	1	
Personette.....	1	1		1
Pratt.....	1	1	1	
Redfield.....		1	1	1
Rule.....		1	1	1
Scott of Siskiyou.....	1		1	1
Smith of Nevada.....	1		1	1
Snyder.....	1	1	1	
Sumner.....		1	1	1
Teare.....	1		1	1
Tukey.....		1	1	1
Walker of Fresno.....	1	1	1	
Wason.....		1	1	1
Weston.....	1	1	1	
Wilcox.....	1		1	
Wilsey.....	1		1	1
Winchester.....	1	1	1	
Whallon.....	1	1	1	
Wood.....	1	1	1	
Wright.....	1		1	1
Mr. Speaker.....		1	1	1
Totals.....	72	69	86	52

Whole number of votes cast.....	94
Necessary to a choice.....	63
Mr. Parks received.....	72
Mr. Hawley received.....	69
Mr. Gorham received.....	86
Mr. Deeth received.....	52

Messrs. Parks, Hawley, and Gorham, having received a majority of all the votes cast necessary to a choice, were declared duly elected Trustees of the State Reform School.

The objects for which the Convention met having been accomplished, the President declared it adjourned *sine die*.

#### IN SENATE.

President pro tem in the Chair.

Roll called.

Quorum present.

The question being on the reconsideration of the vote by which Senate



bill No. 380 was indefinitely postponed, the ayes and noes were demanded, by Messrs. Meyers, Benton, and Wright, and taken, with the following result :

AYES—Messrs. Crane, Cunningham, Foulke, Haswell, Hawes, Heacock, Moyle, Porter, Redington, Roberts, Rush, Shafter, and Smith—13.

NOES—Messrs. Benton, Buckley, Burnell, Cot, Dodge, Evans, Freeman, Hale, Hall, Hamilton, Henry, Jones, Kutz, Maddox, Meyers, and Shepard—16.

So the Senate refused to reconsider the vote.

Mr. Dodge asked leave to introduce a bill.

On which, the ayes and noes were demanded, by Messrs. Jones, Benton, and Foulke, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Cot, Dodge, Freeman, Hale, Hartson, Hawes, Henry, Lovett, Maddox, Porter, Redington, Roberts, Shafter, Shepard, Wright, and Yule—18.

NOES—Messrs. Benton, Cunningham, Foulke, Gaskill, Hall, Haswell, Heacock, Jones, Kutz, Meyers, Moyle, Rush, and Smith—13.

So leave was refused.

#### REPORTS.

Mr. Henry, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—Your Committee on Contingent Expenses of the Senate have examined, and found correct, the following bills :

To Philip Groves.....	\$7 75
To Clark & Dalziel .....	7 24
To Wells, Fargo & Co.....	3 00
To A. C. & W. Bidwell.....	1 50
	<hr/>
	\$25 49

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrants in favor of the above parties on the Contingent Fund of the Senate.

HENRY, Chairman.

The resolution was adopted.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 327, an Act supplementary to an Act entitled an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four;

Also, Senate bill No. 371, an Act to confer certain powers on the Board of Supervisors of the Counties of Santa Clara and San Mateo, and the

City and County of San Francisco, in relation to the interest and stock held by said counties and city in the San Francisco and San José Railroad;

Also, Senate bill No. 418, an Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 436, an Act amendatory and supplementary to an Act entitled an Act to regulate the fees of officers in the County of Alameda, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 425, an Act to provide for the election of Supervisors in the County of Amador;

Also, Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States;

Also, Senate bill No. 422, an Act to amend the Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 442, an Act to appropriate money for deficiencies in the appropriations for the fifteenth session of the Legislature;

Also, Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto;

Also, Senate bill No. 443, an Act supplementary to an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 444, an Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto;

Also, Senate bill No. 258, an Act supplementary to an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

And on this the second day of April, A. D. eighteen hundred and sixty-four, at one o'clock P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Mr. Cot, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 361, an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county;

And this day, April second, at eleven o'clock, A. M., delivered the same to the Governor for his approval.

COT, for Committee.

Mr. Lovett, by leave, introduced a concurrent resolution, relative to the harbor protection of Monterey.

Adopted.

Mr. Porter offered the following resolution :

*Resolved*, That the Journal Clerk be and is hereby allowed four days pay after the adjournment of this Legislature, for the purpose of writing up the Journal of the Senate, and after the same is written up and approved by the President or President pro tem, he shall deliver the same to the Secretary of State, and the Controller of State is hereby authorized to draw his warrant for the same.

Adopted.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 277, entitled an Act to amend the revenue laws, report the same back, and recommend its passage ;

Also, Assembly bill No. 423, an Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-first, eighteen hundred and sixty-three, and recommend that it be indefinitely postponed.

CUNNINGHAM, Chairman.

Assembly bill No. 277, above reported, was taken up, considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Mr. Roberts now moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly concurrent resolution No. 43.

The motion prevailed.

On motion of Mr. Roberts, the words "seventy-five" were stricken out, and the word "fifty" inserted in place thereof.

Mr. Shafter now moved to strike out the allowance to Sergeants-at-Arms.

Mr. Montgomery offered as a substitute to the above the following :

Strike out "fifty dollars and forty cents," and insert "forty dollars;" and strike out "twenty-six dollars and forty cents," and insert "twenty dollars."

The substitute was rejected.

The amendment of Mr. Shafter was amended.

Mr. Benton moved to amend by adding the words "and the Controller be required to draw his warrant for that amount."

The amendment was adopted.

The resolution as amended concurred in.

Mr. Shafter offered the following resolution :

*Resolved*, The Assembly concurring, that this Legislature adjourn sine die on the fourth day of April, A. D. eighteen hundred and sixty-four, at twelve o'clock, midnight.

Adopted.

## GENERAL FILE.

Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 304, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 405, an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 376, an Act for the relief of the companies of the Fifth Brigade of the organized militia of the State of California—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 409, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

Mr. Hale moved to amend by striking out the fifth subdivision.

On which, the ayes and noes were demanded, by Messrs. Hale, Foulke, and Hamilton, and taken, with the following result :

AYES—Messrs. Benton, Cot, Freeman, Gaskill, Hale, Henry, and Wright—7.

NOES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Hamilton, Jones, Kutz, Maddox, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—18.

So the amendment was rejected.

On the motion to suspend the rules, consider the bill engrossed, and place it upon its third reading now, the ayes and noes were demanded, by Messrs. Hale, Benton, and Dodge, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Kutz, Meyers, Moyle, Porter, Redington, Roberts, Shafter, and Shepard—17.

NOES—Messrs. Benton, Cot, Hale, Hamilton, Henry, Jones, Lovett, Maddox, and Wright—9.

So the motion was lost.

Mr. Kutz now moved to reconsider the above vote.



The motion prevailed.

The question again being on the suspension of the rules to consider the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Hale, Yule, and Montgomery, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Haswell, Heacock, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, and Shepard—21.

NOES—Messrs. Benton, Cot, Hale, Hamilton, Henry, Lovett, Montgomery, Wright, and Yule—9.

So the motion was carried.

The bill was then read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hale, Yule, and Benton, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Freeman, Haswell, Heacock, Kutz, Lovett, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, and Wright—20.

NOES—Messrs. Benton, Cot, Gaskill, Hale, Maddox, Moyle, and Yule—7.

So the bill passed.

Mr. Dodge moved the suspension of the Forty-Fifth Rule, for the purpose of allowing the bill to be transmitted to the Assembly immediately.

On which, the ayes and noes were demanded, by Messrs. Hale, Benton, and Heacock, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Haswell, Heacock, Kutz, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, Wright, and Yule—23.

NOES—Messrs. Benton, Cot, Hale, and Maddox—4.

So it was so ordered.

Mr. Evans, from the Committee of Free Conference, made the following report:

MR. PRESIDENT :—The Committee of Free Conference on the disagreeing vote of the two Houses on certain amendments made by the Senate to Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six, after having freely conferred together, report and recommend as follows:

That the House concur in the first Senate amendment non-concurred in.

That the Senate recede from the second amendment non-concurred in, and that the two Houses adopt the following in lieu thereof: Insert at the end of line two hundred and thirty-six the words "fifteen thousand dollars."

That the Senate recede from the third amendment non-concurred in, and that the two Houses adopt the following in lieu thereof: At close

of section one the following words—"for Boys' Orphan Asylum, near San Rafael, Marin County, two thousand dollars."

EVANS,  
BUCKLEY,  
CUNNINGHAM,  
Senate Committee.  
ALLEN,  
DODSON,  
REDFIELD,  
Assembly Committee.

The report was adopted.

Assembly bill No. 254, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Mr. Crane moved a call of the Senate.

The motion prevailed.

Absent without leave—Messrs. Hamilton, Hartson, Haskin, Jones, Pierce, Redington, Rush, and Shafter.

Messrs. Shafter, Haskin, Pierce, Redington, and Jones, appeared and were excused.

The question being on the passage of the bill, the roll was called, and the bill passed by the following constitutional majority:

AYES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Gaskill, Hale, Hall, Haswell, Hawes, Heacock, Haskin, Kutz, Lovett, Maddox, McMurtry, Meyers, Montgomery, Moyle, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—30.

NOES—Messrs. Benton, Hamilton, Henry, Jones, Pierce, and Wright—6.

Assembly bill No. 256, an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time, and passed by the constitutional majority, there being none voting in the negative.

Assembly bill No. 255, an Act supplementary to and amendatory of an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back with amendments, amendments concurred in, read third time.

On the passage, the roll was called, and the bill passed, by the following constitutional majority:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Hale, Hall, Haswell, Hawes, Heacock, Henry, Haskin, Kutz, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Rush, Shafter, Shepard, Smith, and Yule—28.

NOES—Messrs. Benton, Pierce, and Wright—3.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 266, an Act to authorize corporations organized in this State for the purpose of mining in or without the State to establish and maintain transfer agencies in other States;

Also, indefinitely postponed Senate bill No. 333, an Act to regulate metallurgic works and manufactories of acids:

Also, amended and concurred in Senate amendment to Assembly bill No. 392, an Act supplementary to an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three, and the Senate is requested to concur;

Also, this day, indefinitely postponed Senate bill No. 388, an Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate amendment to section seven of Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, this day passed, and ordered transmitted forthwith to the Senate, Assembly bill No. 325, an Act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of California, and for the public defence;

Also, passed Assembly bill No. 361, an Act amendatory of and supplementary to an Act entitled an Act concerning the Insane Asylum of the State of California, and to levy a tax therefor, approved April twenty-eighth, eighteen hundred and sixty-two.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 445, an Act to provide for the election of county officers in Mono County;

Also, has this day appointed Messrs. Allen, Dodson, and Redfield a Committee of Free Conference, on the part of the House, on Assembly bill No. 176, an Act making appropriations for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
 April 2d, 1864. }

Mr. PRESIDENT:—The Assembly has this day amended and concurred in Senate amendment to Assembly bill No. 468, an Act for the better protection of certain records of Napa County, and ask the concurrence of the Senate in the same;

Also, concurred in Senate amendments to Assembly bill No. 443, an Act supplementary to an Act entitled an Act to make certain offices in the County of Calaveras salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three.

R. H. DALY,  
 Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in the Assembly amendment to Senate amendment to Assembly bill No. 468, above reported.

The Assembly amendment to Senate amendment to section four of Assembly bill No. 392, above reported, was amended, by striking out the words "Monterey" and "Yuba," and amendments concurred in, as amended.

Assembly bill No. 325, above reported, was read first and second times, and referred to the Committee on Military Affairs.

Assembly bill No. 361, above reported, was read first and second times—considered as in Committee of the Whole.

Pending the consideration, Mr. Evans made a verbal report, recommending the passage of Assembly bill No. 325, above reported.

Also, by leave, introduced a bill for an Act supplementary to an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three—read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Consideration of Assembly bill No. 361, above considered as in Committee, resumed—reported back with an amendment, amendment concurred in, read third time, and passed.

#### GENERAL FILE RESUMED.

Assembly bill No. 451, an Act amendatory of an Act to authorize D. B. Northrup, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three—considered as in Committee of the Whole, reported back without amendment.

The Senate took a recess until seven o'clock P. M.



## EVENING SESSION.

Senate called to order at seven o'clock, by the President.

Roll called.

Quorum present.

Mr. Hawes moved to amend by adding as follows:

"This Act shall not take effect until it be approved by an order of the Board of Supervisors of the City and County of San Francisco."

Mr. Smith moved the previous question.

The main question was demanded.

On the adoption of Mr. Hawes' amendment, the ayes and noes were demanded, by Messrs. Hawes, Moyle, and McMurtry, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Cunningham, Dodge, Freeman, Haswell, Hawes, Heacock, Maddox, McMurtry, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—17.

NOES—Messrs. Burnell, Gaskill, Hamilton, Haskin, Jones, and Wright—6.

So the amendment was adopted.

The bill was then read third time, and passed.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties in this State;

Also, Senate bill No. 63, an Act amendatory of and supplementary to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 266, an Act to authorize corporations organized in this State for the purpose of mining in or without this State to establish and maintain transfer agencies in other States;

Also, Senate bill No. 445, an Act for the election of county officers in Mono County;

Also, Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of this State, and to create a funded debt for the payment of the same;

And this, the second day of April, A. D. eighteen hundred and sixty-four, at four o'clock and forty-five minutes P. M., delivered the same to the Governor for his approval.

MOYLE, Chairman.

Assembly bill No. 465, an Act to provide for the saving and transfer of

causes pending in the District Court in and for the County of Contra Costa—considered as in Committee of the Whole, reported back without amendment, read third time, and passed.

Correspondence of Secretary of the Treasury, relative to the gold law of California.

Mr. Hawes offered the following resolution :

*Resolved*, That the dispatches from the United States Secretary of the Treasury to Thompson Campbell and E. W. Roberts, dated February eighth, eighteen hundred and sixty-four, stating his opinion that the California gold law is against National policy, etc., transmitted to the Senate by the Assembly message, be returned to the Assembly, and that the Assembly be informed that the Senate does not perceive that the opinions of the Secretary of the Treasury, therein communicated, can or ought to influence its action upon the subject alluded to in said dispatches, or that the Assembly message contains anything which the Senate is called upon to consider.

Mr. Evans moved to lay the whole subject matter upon the table.

On which, the ayes and noes were demanded, by Messrs. Hawes, Pierce, and Montgomery, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hall, Hartson, Haswell, Henry, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shepard, Smith, Wright, and Yule—27.

NOES—Messrs. Freeman, Hamilton, Hawes, Pierce, Rush, and Shafter—6.

So it was so ordered.

Assembly bill No. 101, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three—laid on the table.

Assembly bill No. 160, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—laid on the table.

Senate bill No. 404, an Act concerning the office of Clerk of the Court—laid on the table.

Senate bill No. 407, an Act to change the name of the Humboldt Gold and Silver Mining Company to the Auld Lang Syne Humboldt Gold and Silver Mining Company—laid on the table.

Senate bill No. 140, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company, and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters pertaining thereto, approved April twenty-second, eighteen hundred and sixty-three.

On the motion to lay the bill on the table, the ayes and noes were demanded, by Messrs. Hawes, Rush, and Pierce, and taken, with the following result :

AYES—Messrs. Benton, Cunningham, Evans, Gaskill, Hale, Hall, Hart-

son, Haswell, Heacock, Jones, Kutz, McMurtry, Meyers, Moyle, Porter, Roberts, Smith, Wright, and Yule—19.

NOES—Messrs. Buckley, Cot, Crane, Dodge, Freeman, Hamilton, Hawes, Henry, Lovett, Maddox, Pierce, Redington, Rush, Shafter, and Shepard—15.

So the bill was laid on the table.

Senate bill No. 391, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board—**indefinitely postponed.**

Senate bill No. 190, an Act concerning the Sonoma Land Company—**indefinitely postponed.**

Senate bill No. 338, an Act to pay for medical attendance of William H. Weeks, late Secretary of State—**indefinitely postponed.**

Senate bill No. 60, an Act for the relief of D. P. Shattuck—**indefinitely postponed.**

Senate bill No. 42, an Act for the relief of Ralph S. Dorr—**indefinitely postponed.**

Senate bill No. 298, an Act to liquidate the claim of George E. Drew for surveying the boundary line of a portion of San Joaquin County annexed to Stanislaus County—**indefinitely postponed.**

Senate bill No. 233, an Act for the relief of Henry Swanholm—**indefinitely postponed.**

Leave was granted Mr. Smith to withdraw Senate bill No. 260, together with accompanying papers.

Leave was granted Mr. Benton to withdraw Senate bill No. 262, together with accompanying papers.

Senate bill No. 437, an Act for the relief of Matthew Mullen and others—**referred to the Committee on Claims.**

Assembly bill No. 186, an Act to audit and allow a certain claim—**read first and second times, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, and the bill laid on the table.**

Assembly bill No. 379, an Act to enforce the collection of road taxes in Yuba County—**considered as in Committee of the Whole, reported back without amendment, read third time, and passed.**

Assembly bill No. 363, an Act to pay the claim of E. C. Palmer for rent and stationery—**considered as in Committee of the Whole, reported back without amendment, read third time, and passed.**

Senate bill No. 369, an Act amendatory of an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May third, eighteen hundred and fifty-two—**considered as in Committee of the Whole, and reported back without amendment.**

On suspending the rules to consider the bill engrossed and placed upon its third reading now, the ayes and noes were demanded, by Messrs. Benton, Evans, and Haskin, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hartson, Hawes, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Rush, Shafter, Smith, and Yule—21.

NOES—Messrs. Benton, Evans, Hamilton, Heacock, Haskin, Roberts, and Wright—7.

So it was so ordered.

The bill was read third time.

On its passage, the ayes and noes were demanded, by Messrs. Benton, Wright, and Haskin, and taken, with the following result:

AYES—Messrs. Buckley, Burnell, Crane, Cunningham, Dodge, Foulke, Freeman, Gaskill, Hawes, Jones, Maddox, McMurtry, Moyle, Pierce, Porter, Redington, Rush, Shafter, Smith, and Yule—19.

NOES—Messrs. Benton, Evans, Hamilton, Haskin, Roberts, and Wright—6.

So the bill passed.

Assembly bill No. 186, an Act to audit and allow a certain claim—was taken from the table, considered as in Committee of the Whole, reported back without amendment, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Wright, Hamilton, and Foulke, and taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Freeman, Hall, Haswell, Heacock, Jones, McMurtry, Redington, Roberts, Rush, Shafter, Smith, and Yule—18.

NOES—Messrs. Buckley, Hamilton, Hawes, Pierce, and Wright—5.

So the bill passed.

Senate bill No. 321, an Act to prevent Judges, Inspectors, and Clerks of Elections, and persons who carry election returns from the precincts to the county seat, from receiving compensation for the same, in San Diego County—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 426, an Act to change and fix the time of holding the Probate Court in the County of San Bernardino—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 320, an Act to appropriate money to pay the claim of B. N. Bugbey—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 340, an Act to amend an Act entitled an Act concerning the office of Attorney-General, passed February twelfth, eighteen hundred and fifty—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, and read third time, and passed, and the Forty-Fifth Rule suspended.

Mr. Smith gave notice of a motion to reconsider the vote by which the Senate refused to order engrossed Senate bill No. 366.

Senate bill No. 218, an Act to amend an Act entitled an Act to amend section eighty-two of an Act to provide revenue for the support of the government of this State, approved April twenty-seventh, eighteen hundred and sixty-three—considered as in Committee of the Whole, and laid on the table.

Senate bill No. 253, an Act to establish a Board of Nautical Education for the Port of San Francisco—laid on the table.

Senate bill No. 148, an Act to authorize the construction of floating dry docks in the harbor of San Francisco—indefinitely postponed.



Senate bill No. 145, an Act supplementary to an Act entitled an Act for the protection of water companies, approved May eighteenth, eighteen hundred and sixty-one—considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Yule, Smith, and Foulke, and taken, with the following result :

AYES—Messrs. Buckley, Burnell, Evans, Freeman, Hall, Hamilton, Hartson, Hawes, Henry, Haskin, Jones, Maddox, McMurtry, Moyle, Pierce, Rush, and Smith—17.

NOES—Messrs. Cunningham, Foulke, Gaskill, Heacock, Redington, Shafter, Wright, and Yule—8.

So the motion was carried.

Mr. Yule was granted leave to withdraw Senate bill No. 234, together with accompanying papers and vouchers.

Senate bill No. 91, an Act to amend an Act entitled an Act in reference to corporations organized in this State for the purpose of mining out of this State, passed March fifth, eighteen hundred and sixty-one—laid on the table.

Senate bill No. 66, an Act supplemental to an Act entitled an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof—laid on the table.

Senate bill No. 211, an Act for the relief of purchasers of Swamp and Overflowed, Tide, and Marsh Lands—indefinitely postponed.

Senate bill No. 75, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands—indefinitely postponed.

Senate bill No. 343, an Act to provide for the consolidation of railroad companies, and other matters in relation thereto—considered as in Committee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 344, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty—considered as in Committee of the Whole, reported back without amendment.

On the suspension of the rules to consider the bill engrossed and place it upon its third reading now, the ayes and noes were demanded, by Messrs. Shafter, Heacock, and Hawes, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cunningham, Dodge, Foulke, Freeman, Henry, Jones, Lovett, Maddox, McMurtry, Moyle, Redington, and Shafter—14.

NOES—Messrs. Buckley, Cot, Evans, Gaskill, Hamilton, Hawes, Heacock, Haskin, Montgomery, Pierce, Roberts, Wright, and Yule—13.

So the motion was lost.

The bill was laid on the table.

Senate bill No. 237, an Act concerning fines—laid on the table.

Senate bill No. 346, an Act to authorize mining corporations to increase or diminish the number of their Trustees—considered as in Com-

mittee of the Whole, reported back without amendment, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 357, an Act to provide for the erection and protection of guide boards on the county roads of this State—laid on the table.

Mr. Hawes, by leave, introduced a bill for an Act to repeal certain Acts.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported back with amendments, amendments concurred in.

On a suspension of the rules and ordering the bill read third time, the ayes and noes were demanded, by Messrs. Cunningham, Shafter, and Hale, and taken, with the following result:

AYES—Messrs. Benton, Cunningham, Dodge, Freeman, Hale, Hartson, Heacock, Maddox, McMurtry, Moyle, Pierce, Porter, Redington, Roberts, Shafter, Shepard, Smith, and Yule—17.

NOES—Messrs. Burnell, Crane, Hall, Hamilton, Haswell, Hawes, Henry, Haskin, Jones, Lovett, Montgomery, and Wright—11.

So the motion was lost.

Senate bill No. 236, an Act to amend an Act entitled an Act to provide for the better encouragement of the culture of the vine and olive—laid on the table.

Senate bill No. 275, an Act relating to elections held by political parties or associations—substitute adopted, considered as in Committee of the Whole, reported back with amendments, amendments concurred in, rules suspended, considered engrossed, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hawes, Benton, and Henry, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Haskin, Jones, Lovett, McMurtry, Meyers, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—26.

NOES—Messrs. Freeman, Hamilton, Hawes, Henry, Montgomery, Pierce, Rush, and Tuttle—8.

So the bill passed.

The title was amended.

On the suspension of the Forty-Fifth Rule, the ayes and noes were demanded, by Messrs. Hawes, Hamilton, and Pierce, and taken, with the following result:

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hall, Hartson, Haswell, Henry, Haskin, Jones, Lovett, McMurtry, Moyle, Porter, Redington, Roberts, Shafter, Shepard, and Yule—26.

NOES—Messrs. Freeman, Hamilton, Hawes, Montgomery, Pierce, and Rush—6.

So it was so ordered.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

## ASSEMBLY CHAMBER,

April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 207, an Act to establish Pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benecia;

Also, this day, passed Senate bill No. 230, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, this day, passed Senate bill No. 271, an Act to legalize the assessments for taxes for revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-two, and A. D. eighteen hundred and sixty-three, in the several counties of this State;

Also, indefinitely postponed Senate bill No. 21, an Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, this day, passed Senate bill No. 320, an Act to pay the claim of I. & S. Wormser.

R. H. DALY,

Assistant Clerk.

## ASSEMBLY CHAMBER,

April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 305, an Act supplemental to and amendatory of an Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind in the State of California;

Also, passed Senate bill No. 395, an Act supplementary to an Act entitled an Act to prevent the destruction of timber on Public Lands of this State, approved March second, eighteen hundred and sixty-four;

Also, Senate bill No. 396, an Act to confer further powers upon the Governor of this State in relation to pardon of criminals;

Also, passed Senate bill No. 339, an Act regulating the assessment and taxation of railroads and other roads, for revenue purposes;

Also, passed Senate bill No. 322, an Act supplemental to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-third, eighteen hundred and sixty-three;

Also, passed Senate bill No. 345, an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 438, an Act authorizing the Yuba Railroad Company to change its northern terminus;

Also, passed Senate bill No. 276, an Act to create the office of State Geologist, and define the duties thereof;

Also, passed Senate bill No. 367, an Act concerning the offices of Clerk and Recorder;

Also, indefinitely postponed Senate bill No. 312, an Act to amend an



Act entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, amended and passed Senate bill No. 435, an Act to authorize the Board of Supervisors of the County of El Dorado to subscribe one hundred thousand dollars, in addition to the amount heretofore subscribed by said county, to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

R. H. DALY,  
Assistant Clerk.

The Assembly amendments to Senate bill No. 435, above reported, concurred in.

Senate bill No. 325, an Act to amend an Act entitled an Act in relation to the militia of this State, passed April twenty-fourth, eighteen hundred and sixty—laid on the table.

Senate bill No. 221, an Act to regulate interest on money—laid on the table.

Senate bill No. 74, an Act to provide for the enumeration of the inhabitants of the State of California—laid on the table.

Senate bill No. 213, an Act to amend an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Mr. Montgomery moved to indefinitely postpone the bill.

On which, the ayes and noes were demanded, by Messrs. Montgomery, Heacock, and Freeman, and taken, with the following result:

AYES—Messrs. Freeman, Hamilton, Montgomery, Pierce, and Rush—5.

NOES—Messrs. Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hawes, Haskin, Jones, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Wright, and Yule—22.

So the motion was lost.

Substitute adopted, considered as in Committee of the Whole, and reported back.

Mr. Gaskill moved to suspend the rules, consider the bill engrossed, and place it on its third reading now.

Mr. Wright moved the previous question.

On which, the ayes and noes were demanded, by Messrs. Hawes, Hamilton, and Rush, and taken, with the following result:

AYES—Messrs. Benton, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hartson, Jones, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, and Wright—19.

NOES—Messrs. Freeman, Hamilton, Hawes, Montgomery, Pierce, and Rush—6.

So the main question was demanded.

The rules were then suspended, the bill considered engrossed, and read third time.



On the passage of the bill, the ayes and noes were demanded, by Messrs. Hawes, Rush, and Hamilton, and taken, with the following result:

**AYES**—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Gaskill, Hale, Hartson, Hawes, Jones, Lovett, Maddox, McMurtry, Meyers, Moyle, Porter, Redington, Shafter, Shepard, Wright, and Yule—24.

**NOES**—Messrs. Freeman, Hamilton, Montgomery, Pierce, and Rush—5.

So the bill passed.

The Forty-Fifth Rule was then suspended and the bill ordered transmitted to the Assembly.

Mr. Wright, from the Judiciary Committee, made the following report:

**MR. PRESIDENT**:—The Judiciary Committee return Senate bill No. 40, an Act to repeal an Act to authorize the Supervisors of Sonoma County to appropriate money for a map, with the following report:

It appears from the evidence before the committee that the Act which this bill proposes to repeal was passed by the last Legislature, upon the recommendation of the entire Sonoma delegation, in response to a petition, backed by numerous letters from leading men throughout the county, accompanied by a statement from nearly all the Assessors and ex-Assessors, to the effect that the county is annually losing a large sum of money on account of the difficulty of assessing, for want of a farm map, and saying they believe the interests of the county imperatively demand the publication of such a map, with a statement from Brittain & Company, Map Engravers, and others, in regard to the character of the work, and exceeding cheapness of the same.

Furthermore, the Act itself is of the nature of a contract, under which the map has been nearly prepared for publication, the author thereby acquiring rights, which, upon the passage of this bill, could be obtained, if at all, only after long and expensive litigation.

Believing the passage of the bill to be an act of injustice to Mr. Bowers, detrimental to interests of the county, and contrary to the wishes of a large majority of the people, we return it to the Senate with a recommendation that it do not pass.

WRIGHT, for Committee.

Senate bill No. 40, above reported, was taken up.

On ordering the bill engrossed, the ayes and noes were demanded, by Messrs. Pierce, Burnell, and Rush, and taken, with the following result:

**AYES**—Messrs. Buckley, Burnell, Cot, Cunningham, Evans, Freeman, Hamilton, Hawes, Jones, Maddox, McMurtry, Moyle, Pierce, Porter, Roberts, Rush, and Shafter—17.

**NOES**—Messrs. Benton, Crane, Dodge, Hale, Hartson, Meyers, Wright, and Yule—8.

So the bill was ordered engrossed.

Senate bill No. 356, an Act supplementary to an Act entitled an Act for the better protection of the State Treasury, passed April sixteenth, eighteen hundred and fifty-six—laid on the table.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 416, an Act for the improvement of Napa County, by providing means for the establishment of an agricultural society and the State Agricultural College therein ;

Also, this day, amended and passed Senate bill No. 417, an Act supplemental to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, and ask the Senate to concur.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohner ;

Also, this day, passed Senate bill No. 416, an Act for the improvement of Napa County, by providing means for the establishment of an agricultural society and the State Agricultural College therein.

R. H. DALY,  
Assistant Clerk.

Senate concurred in Assembly amendments to Senate bill No. 417, above reported.

## GENERAL FILE RESUMED.

Assembly bill No. 439, an Act concerning the Central Railroad of San Francisco.

On the indefinite postponement of the bill, as recommended by the San Francisco delegation, the ayes and noes were demanded, by Messrs. Montgomery, Dodge, and Shafter.

Mr. Dodge moved to amend by inserting, as a substitute for the last section, the following :

“This Act shall not take effect until the same is approved by the Board of Supervisors of the City and County of San Francisco, by an order or resolution of said Board.”

On the adoption of which, the ayes and noes were demanded, by Messrs. Evans, Shafter and Dodge, and taken, with the following result :

AYES—Messrs. Burnell, Cunningham, Dodge, Evans, Freeman, Gas-kill, Hamilton, Hawes, Heacock, Henry, Maddox, Meyers, Montgomery, Moyle, Redington, Rush, Shafter, Shepard, and Smith—19.

NOES—Messrs. Benton, Buckley, Hartson, Haskin, Lovett, and Pierce—6.

So the amendment was adopted.

The roll was now called on the indefinite postponement of the bill, with the following result :

AYES—Messrs. Dodge, Evans, Freeman, Hamilton, Heacock, Henry, Maddox, Montgomery, Redington, Rush, Shafter, and Shepard—12.

NOES—Messrs. Benton, Buckley, Burnell, Cunningham, Gaskill, Hall, Hartson, Hawes, Haskin, Lovett, Meyers, Moyle, Pierce, Porter, and Smith—15.

So the motion was lost.

The bill was then read third time.

On the passage, the ayes and noes were demanded, by Messrs. Evans, Hartson, and Cunningham, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Cunningham, Gaskill, Hall, Hartson, Lovett, Meyers, Moyle, Pierce, Porter, and Smith—12.

NOES—Messrs. Dodge, Evans, Freeman, Hamilton, Hawes, Heacock, Henry, Haskin, Maddox, Montgomery, Redington, Rush, Shafter, Shepard, and Yule—15.

So the bill did not pass.

At twelve o'clock, midnight, on motion of Mr. Maddox, the Senate adjourned.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, April 4th, 1864. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Reverend Mr. Peck.

Journal of Saturday last read partly, and the further reading dispensed with for ten minutes.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were then called up :

ASSEMBLY CHAMBER,

April 2d, 1864. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 414, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties ;

Also, passed Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco ;

Also, indefinitely postponed Senate bill No. 379, an Act amendatory of and supplementary to an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty three;

Also, indefinitely postponed Senate bill No. 114, an Act amendatory of an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty;

Also, passed Senate bill No. 428, an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county;

Also, passed Senate bill No. 432, an Act to appropriate money for deficiencies in appropriations for per diem and mileage of Senators for the fifteenth fiscal year;

Also, passed Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco;

Also, passed Senate bill No. 440, an Act to enable the Sonora and Mono Wagon Road Commissioners to settle with the Counties of San Joaquin, Tuolumne, Mono, and Stanislaus.

R. H. DALY,  
Assistant Clerk.

#### ASSEMBLY CHAMBER.

April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 359, an Act to amend section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, passed Senate bill No. 304, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, passed Senate bill No. 409, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board;

Also, passed Senate bill No. 405, an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties;

Also, passed Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

Also, passed Senate bill No. 376, an Act for the relief of the companies of the Fifth Brigade of the organized militia of the State of California;

Also, passed Senate bill No. 340, an Act to amend an Act entitled an Act concerning the office of Attorney-General, passed February twelfth, eighteen hundred and fifty;

Also, passed Senate bill No. 446, an Act supplementary to an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of the State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, passed Senate bill No. 426, an Act to change and fix the time of holding the Probate Court in the County of San Bernardino;



Also, concurred in Senate amendments to Assembly bill No. 255, an Act supplementary to and amendatory of an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, concurred in Senate amendments to Assembly bill No. 256, an Act supplementary to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State;

Also, concurred in Senate amendments to Assembly bill No. 451, an Act amendatory of an Act to authorize D. B. Northrup, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate concurrent resolution No. 33, relative to harbor protection of Monterey;

Also, passed Senate bill No. 321, an Act concerning Judges, Inspectors, and Clerks of Election in San Diego County;

Also, passed Senate bill No. 420, an Act to appropriate money to pay the claim of B. N. Bugbey;

Also, concurred in Senate amendments to Assembly bill No. 139, an Act to promote the study of anatomy.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1864. }

Mr. PRESIDENT:—The Assembly, this day, concurred in Senate amendments to Assembly bill No. 186, an Act to audit and allow a certain claim;

Also, concurred in Senate amendments to Assembly bill No. 361, an Act amendatory of and supplemental to an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-eighth, eighteen hundred and sixty-two;

Also, passed Senate bill No. 410, an Act for the relief of W. W. Price;

Also, passed Senate bill No. 429, an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California;

Also, concurred in Senate concurrent resolution No. 34, relative to adjournment of the Legislature;

Also, passed Senate bill No. 238, an Act concerning the State revenue;

Also, passed Senate bill No. 360, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-two;

Also, passed Senate bill No. 406, an Act to extend the time for the completion of a wharf in the City and County of San Francisco, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, passed Senate bill No. 397, an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six;

Also, passed Senate bill No. 390, an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco;

Also, concurred in Senate amendments to Assembly concurrent resolution No. 43;

Also, concurred in Senate amendments to Assembly amendments to Senate amendments to Assembly bill No. 392, an Act supplementary to an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three.

R. H. DALY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1864. }

Mr. PRESIDENT :—The Assembly, this day, adopted Assembly concurrent resolution No. 49, relative to Assembly bill No. 338;

Also, adopted Assembly concurrent resolution No. 50, authorizing the Secretary of State to purchase additional copies of Wood's Digest, and ask the concurrence of the Senate in the same.

R. H. DALY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate concurred in Assembly concurrent resolution No. 49, above reported.

Senate refused to concur in Assembly concurrent resolution No. 50, above reported.

Assembly bill No. 426, an Act to amend an Act concerning District Court Reporters, was not to be found.

On motion of Mr. Benton, the Secretary was instructed to procure the original bill from the Assembly, and place the same on the Senate file.

#### REPORT.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 405, an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties;

Also, Senate bill No. 438, an Act authorizing the Yuba Railroad Company to change its northern terminus;

Also, Senate bill No. 321, an Act concerning Judges, Inspectors, and Clerks of Election in San Diego County;

Also, Senate bill No. 276, an Act to create the office of State Geologist, and to define the duties thereof;

Also, Senate concurrent resolution No. 34, relative to adjournment of the Legislature;

Also, Senate bill No. 416, an Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and sixty-four, and repealing certain other Acts in relation to said city;

Also, Senate bill No. 446, an Act supplementary to an Act entitled an

Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 426, an Act to change and fix the time of holding the Probate Court in the County of San Bernardino;

Also, Senate bill No. 359, an Act to amend section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one;

Also, Senate bill No. 345, an Act amendatory of and supplementary to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 397, an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six;

Also, Senate bill No. 406, an Act to extend the time for the completion of a wharf in the City and County of San Francisco to Caleb S. Hobbs and others, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 409, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board.

Also, Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohmer;

Also, Senate bill No. 305, an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate concurrent resolution No. 33, relative to harbor protection of Monterey;

Also, Senate bill No. 396, an Act to confer further powers upon the Governor of this State, in relation to pardon of criminals;

Also, Senate bill No. 272, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

Also, Senate bill No. 230, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, Senate bill No. 320, an Act to appropriate money to pay the claim of I. & S. Wormser, assigness of T. A. Levison;

Also, Senate bill No. 322, an Act supplemental to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 367, an Act concerning the offices of Clerk and Recorder;

Also, Senate bill No. 390, an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco;

Also, Senate bill No. 340, an Act to amend an Act entitled an Act con-



cerning the office of Attorney-General, passed February twelfth, eighteen hundred and sixty;

Also, Senate bill No. 429, an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California;

Also, Senate bill No. 395, an Act supplemental to an Act entitled an Act to prevent the destruction of timber on Public Lands of this State, approved March second, eighteen hundred and sixty-four;

Also, Senate bill No. 410, an Act for the relief of W. W. Price;

Also, Senate bill No. 394, an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution;

Also, Senate bill No. 207, an Act to establish Pilots and Pilot regulations for the ports of San Francisco, Mare Island, and Benicia;

Also, Senate bill No. 428, an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county;

Also, Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 417, an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city;

Also, Senate bill No. 304, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate bill No. 238, an Act concerning the State revenue;

Also, Senate bill No. 435, an Act to authorize the Board of Supervisors of the County of El Dorado to subscribe one hundred thousand dollars, in addition to the amount heretofore subscribed by said county, to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 339, an Act regulating the amount and taxation of railroads and other roads for revenue purposes, and other matters relating thereto;

Also, Senate bill No. 440, an Act to enable the Sonora and Mono Wagon Road Commissioners to settle with the Counties of San Joaquin, Tuolumne, Mono, and Stanislaus;

Also, Senate bill No. 420, an Act to appropriate money to pay the claim of B. N. Bugbey;

Also, Senate bill No. 414, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties;

Also, Senate bill No. 432, an Act to appropriate money for deficiency in appropriation for per diem and mileage of Senators for fifteenth fiscal year;

Also, Senate bill No. 415, an Act for the improvement of Napa County, by providing means for the establishment of an Agricultural Society and State Agricultural College therein;

Also, Senate bill No. 271, an Act to legalize the assessments for taxes, for the revenue years commencing on the first Monday of March, in the



years A. D. eighteen hundred and sixty-two and A. D. eighteen hundred and sixty-three, in the several counties of this State ;

Also, Senate bill No. 376, an Act for the relief of the companies comprising the Fifth Brigade of the organized militia of the State of California ;

Also, Senate bill No. 360, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-two ;

Also, Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco ;

And on the third day of April, A. D. eighteen hundred and sixty-four, delivered the same to the Governor for his approval.

MOYLE, Chairman.

The reading of the Journal was completed and approved.

Mr. Moyle offered the following resolution :

*Resolved*, That the Assistant Enrolling Clerks be allowed two days extra pay, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Shafter had leave to record his vote in the negative on the passage of Senate bill No. 322, an Act supplemental to an Act entitled an Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three.

Mr. Shafter verbally reported from the San Francisco delegation Senate bills Nos. 306 and 377, with the recommendation that they be laid on the table.

Mr. Benton moved to take up Assembly bill No. 426, above referred to.

On which, the ayes and noes were demanded, by Messrs. Evans, Benton, and Hartson, and taken, with the following result :

AYES—Messrs. Benton, Buckley, Burnell, Cot, Crane, Cunningham, Foulke, Gaskill, Hale, Hall, Hartson, Heacock, Jones, Kutz, Leonard, Lovett, McMurtry, Meyers, Moyle, Porter, and Redington—21.

NOES—Messrs. Evans, Freeman, Hamilton, Hawes, Henry, Maddox, Montgomery, Pierce, Rush, Shafter, Shepard, and Smith—12.

So the motion was lost.

#### FURTHER REPORTS.

Mr. Crane, Chairman of the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Senate bill No. 62, an Act to provide for the establishment of a State Agricultural College and Farm, have had the same under consideration, and report the same back without recommendation ;

Also, petitions in regard to Public Schools, have had the same under consideration, and report the same back without recommendation.

CRANE, Chairman.

Mr. Leonard, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT :—Your Committee on Roads and Highways, to whom was referred Senate bill No. 268, an Act to improve the East Branch of the Carson River, report it back without recommendation.

LEONARD, Chairman.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 434, an Act to amend an Act entitled an Act to re-incorporate the City of Placerville, approved April sixth, eighteen hundred and sixty-three;

Also, Senate bill No. 167, an Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, passed May twentieth, eighteen hundred and sixty-one;

Also, Senate bill No. 310, an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate bill No. 389, an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds;

Also, Senate bill No. 431, an Act to authorize the Fast Freight and Express Company to change its principal place of business;

Also, Senate bill No. 353, an Act supplementary to an Act to amend an Act concerning Notaries Public, passed April twenty-fifth, eighteen hundred and sixty-two;

Also, Senate bill No. 364, an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 370, an Act to fix the time of holding the District Court in the Second Judicial District;

Also, Senate bill No. 169, an Act concerning assessments upon the stock of corporations;

Also, Senate bill No. 411, an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe twenty thousand dollars to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same;

Also, Senate bill No. 402, an Act providing for the time of holding the terms of the District Court in Merced County;

Also, Senate bill No. 326, an Act in relation to proceedings in certain suits;

Also, Senate bill No. 433, an Act to continue the powers and provisions of an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle claims to real estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 319, an Act to appropriate money to pay the claim of J. T. Hall;

Also, Senate bill No. 399, an Act making the County Clerk of Colusa County ex officio Recorder and Auditor of said county, and fixing his compensation;

Also, Senate bill No. 412, an Act in relation to Swamp Land District Funds;

Also, Senate bill No. 392, an Act conferring certain powers on the Board of Supervisors of Placer County;

Also, Senate bill No. 436, an Act amendatory and supplementary to an Act entitled an Act to regulate the fees of officers in the County of Alameda, approved April twenty-fifth, eighteen hundred and sixty three;

Also, Senate bill No. 371, an Act to confer certain powers on the Board of Supervisors of the Counties of Santa Clara and San Mateo, and the City and County of San Francisco, in relation to the interest and stock held by said counties and city and county in the San Francisco and San José Railroad;

Also, Senate bill No. 418, an Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto, approved March twenty-fourth, eighteen hundred and sixty-four;

Also, Senate bill No. 327, an Act supplementary to an Act entitled an Act to limit the time for the commencement of civil actions in certain cases, approved March fifth, eighteen hundred and sixty-four;

Also, Senate bill No. 266, an Act to authorize corporations organized in this State for the purpose of mining in or without this State to establish and maintain transfer agencies in other States;

Also, Senate bill No. 63, an Act amendatory of and supplementary to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplementary thereto, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto;

Also, Senate bill No. 384, an Act supplementary to an Act to grant the right of way for a line of telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 443, an Act supplementary to an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 122, an Act for the relief of the line officers of the California Volunteers in the service of the United States;

Also, Senate bill No. 445, an Act for the election of county officers of Mono County;

Also, Senate bill No. 444, an Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto;

Also, Senate bill No. 258, an Act supplementary to an Act entitled an



Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 442, an Act to appropriate money for deficiencies in the appropriations for the fifteenth session of the Legislature;

Also, Senate bill No. 361, an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and to prohibit the contracting of any new indebtedness against said county;

Also, Senate bill No. 207, an Act to establish Pilots and pilot regulations for the Ports of San Francisco, Mare Island, and Benicia;

Also, Senate bill No. 438, an Act authorizing the Yuba Railroad Company to change its northern terminus;

Also, Senate bill No. 406, an Act to extend the time for the completion of a wharf in the City and County of San Francisco to Caleb S. Hobbs and others, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 276, an Act to create the office of State Geologist, and to define the duties thereof;

Also, Senate bill No. 390, an Act to authorize Rodman Gibbons, his associates and assigns, to construct a wharf at Point San Quentin, in San Francisco County;

Also, Senate bill No. 305, an Act supplemental to and amendatory of the Act entitled an Act for the education and care of the indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three;

Also, Senate bill No. 261, an Act to authorize the issuance of a duplicate of a certain School Land warrant to Hans Rohner;

Also, Senate bill No. 446, an Act supplementary to an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate bill No. 320, an Act to appropriate money to pay the claim of I. & S. Wormser, assignees of T. A. Levison;

Also, Senate bill No. 426, an Act to change and fix the time of holding the Probate Court in the County of San Bernardino;

Also, Senate bill No. 367, an Act concerning the offices of Clerk and Recorder;

Also, Senate bill No. 345, an Act amendatory of and supplemental to an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 359, an Act to amend section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, Senate bill No. 416, an Act supplemental to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city;

Also, Senate bill No. 409, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon



the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board;

Also, Senate bill No. 397, an Act to amend an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six;

Also, Senate bill No. 372, an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 435, an Act to authorize the Board of Supervisors of the County of El Dorado to subscribe one hundred thousand dollars, in addition to the amount heretofore subscribed by said county, to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate bill No. 405, an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties;

Also, Senate bill No. 230, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one;

Also, Senate bill No. 394, an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution;

Also, Senate bill No. 415, an Act for the improvement of Napa County, by providing means for the establishment of an agricultural society and the State Agricultural College therein;

Also, Senate bill No. 432, an Act to appropriate money for deficiency in the appropriation for per diem and mileage of Senators for the fifteenth fiscal year;

Also, Senate bill No. 382, an Act concerning the fees of jurors and witnesses in the City and County of San Francisco;

Also, Senate bill No. 238, an Act concerning the State revenue;

Also, Senate bill No. 440, an Act to enable the Sonora and Mono Wagon Road Commissioners to settle with the Counties of San Joaquin, Tuolumne, Mono, and Stanislaus;

Also, Senate bill No. 304, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate bill No. 414, an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties;

Also, Senate bill No. 420, an Act to appropriate money to pay the claim of B. N. Bugbey;

Also, Senate bill No. 395, an Act supplemental to an Act entitled an Act to prevent the destruction of timber on the Public Lands of this State, approved March second, eighteen hundred and sixty-four;

Also, Senate bill No. 429, an Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California;

Also, Senate bill No. 340, an Act to amend an Act entitled an Act concerning the office of Attorney-General, passed February first, A. D. eighteen hundred and fifty;

Also, Senate bill No. 376, an Act for the relief of the companies composing the Fifth Brigade of the organized militia of the State of California;

Also, Senate bill No. 271, an Act to legalize the assessments for taxes

for the revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-two and A. D. eighteen hundred and sixty-three, in the several counties of this State ;

Also, Senate bill No. 339, an Act regulating the assessments and taxation of railroads and other roads for revenue purposes, and other matters relating thereto ;

Also, Senate bill No. 396, an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals ;

Also, Senate bill No. 422, an Act to amend the Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate bill No. 417, an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in said city ;

Also, Senate bill No. 428, an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county ;

Also, Senate bill No. 373, an Act to provide for the election of Supervisors in certain counties in this State.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1864. }

*To the Senate of the State of California:*

In giving my approval to Senate bill No. 347, an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, I deem it proper, considering the magnitude of the interests, both public and private, therein involved, to give you my views concerning its operation, and the extent to which the State is bound by its provisions. The Act proposes, in effect, to guarantee and pay the interest on bonds which may be issued by the railroad company to the amount of fifteen hundred thousand dollars, for the term of twenty years, and levies an annual tax for that purpose of eight cents on the one hundred dollars of taxable property in the State.

That the Legislature has the right to levy the tax, and, when the money is received into the Treasury, to order the payment of the coupons, I have no doubt. If, however, it should be sought to construe the Act as a contract on the part of the State, binding her for the term of twenty years to pay the interest stipulated, and irrevocable on the ground that a repeal would be violating the obligation of a contract, I am clearly of the opinion that, in so far as the Act would warrant such a construction, it is unconstitutional and void. An attempt on the part of the Legislature to bind the State in future years for the payment of the interest on the bonds referred to, would be a violation of the tenth section of Article Eleven of the Constitution, which declares that "the credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation."

If the funds raised by the tax levied should prove insufficient to pay the interest at any time when the coupons fall due, the Treasurer would have the right to take money from the General Fund to make up the deficiency ; but, in case there should not be money in the General Fund, I am of the opinion that the Treasurer would not be warranted in mak-

ing "other contracts or arrangements" for the money, as is provided by the second section of the Act.

From the general interest manifested by the people of this State looking to the rapid construction of a trans-continental railroad, there is little doubt but that the State will continue to levy the tax and pay the interest upon the bonds of the railroad as stipulated in the Act, unless it shall hereafter appear that the railroad company is not prosecuting the work in good faith with a view to securing a continuous line of railroad to or beyond the eastern boundary of the State. If, in the future, it should be made apparent that the railroad company was violating its plighted faith, it would, in my judgment, be the duty of the Legislature to repeal the Act and stop the payment of interest; such repeal would in no manner be a violation of any moral or legal obligation. If I am right in supposing that the Legislature cannot bind the State to the future payment of interest, no holder of the bonds can aver that he is an innocent holder, and ask payment from the State of that which the Legislature had no constitutional right to promise to pay.

It may not be improper in this connection for me to say that in considering this Act, and also Senate bill No. 362, I have not deemed it my duty to enter into details concerning the policy of the State concerning the granting of aid to internal improvements, nor to what extent she can safely go in this direction. It is a safe rule, I think, for the State, and also for counties and cities to adopt, to engage in no operation of the character referred to, unless the enterprise possesses merit sufficient to warrant capitalists in embarking their means in it before any State, county, or city aid is extended; and all bills, orders, or ordinances which propose to grant the aid of any political corporation for such objects, should follow rather than precede private enterprise of a substantial character.

FRED'K F. LOW,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 362, an Act to aid in the construction of the California portion of the Pacific Railroad, from the City of San Francisco to the eastern boundary of the State, and to create a funded debt for the payment of the same.

The bill proposes to grant the aid of the State in an amount not exceeding two millions of dollars to certain railroads therein named; the aid to consist of bonds of the State bearing an interest of seven per cent per annum; *provided*, that the proposition is ratified by the vote of the people at the next general election.

Section five of the bill provides that five hundred thousand dollars of the bonds shall be given or loaned to the Western Pacific Railroad Company.

Section six provides that fifteen hundred thousand dollars of the bonds shall be given or loaned to the Central Pacific Railroad Company, on certain conditions.

Section seven provides that on the compliance by the railroad companies with certain conditions mentioned in the bill, stipulating that a certain number of miles of the railroad shall be built within a certain specified time, the bonds of the State mentioned in sections five and six shall be an absolute *gift* or donation to the said railroads; but on the



failure of the companies to build the roads as specified, the aid mentioned shall "be held and enjoyed as a *loan* instead of a grant or donation."

The provisions contained in the first section of the bill—that the proposition shall be submitted to a vote of the people, and that in the event of its receiving a majority of the votes cast on the proposition at such election, it shall take effect, and not otherwise—is intended to and does avoid the prohibition contained in Article Eight of the Constitution of the State, concerning the creation by the Legislature of a State debt beyond three hundred thousand dollars, but it in no manner relieves it from the prohibition contained in section ten of Article Eleven of the Constitution, which reads as follows:

"The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation."

The only question to be considered is, whether the bonds which it is proposed to give or loan to these companies, can be properly regarded as the "credit of the State." If the bonds of a State, payable in twenty years, and bearing interest, do not constitute the "credit of the State," then I am unable to understand the meaning and the intent of the English language; indeed, I do not see how the "credit of the State" can otherwise be so clearly and definitely "given or loaned" as in the mode provided in the bill under consideration.

Constitutions, in our form of government, are formed for the protection of the minority against the oppressive and unjust acts of a majority, and it is the duty of the Legislature and Executive Departments to abide by the restrictions and limitations contained therein, although these may, at times, seem detrimental to the best interests of the State.

No Act should be placed upon the statute book which is likely to be declared unconstitutional by the Courts. Such Acts are an injury to the parties for whose benefit they are intended, and tend only to lessen the confidence of the people in their representatives.

Believing, as I do, that the provisions contained in the bill under consideration are contrary to the letter and spirit of the Constitution, I cannot, without violating my oath of office, give it my approval.

FRED'K F. LOW,  
Governor.

The question being, "Shall Senate bill No. 362, above reported, pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result:

AYES—Messrs. Benton, Burnell, Crane, Dodge, Hale, Heacock, Kutz, McMurtry, Meyers, Porter, Redington, Roberts, Shafter, Shepard, and Smith—15.

NOES—Messrs. Buckley, Cot, Cunningham, Evans, Foulke, Freeman, Gaskill, Hartson, Haswell, Hawes, Henry, Jones, Lovett, Maddox, Montgomery, Moyle, Pierce, Rush, and Yule—19.

So the objections of the Governor were sustained.



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
 Sacramento, April 4th, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 360, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-two.

The bill proposes to amend "section two hundred and nineteen of the above entitled Act." However proper may be the intentions of the bill, they are all defeated by an error in giving the date of the approval of the bill intended to be amended. No Act of the character referred to was approved April twenty-ninth, eighteen hundred and fifty-two, and this bill could not operate as an amendment to the Civil Practice Act of April twenty-ninth, eighteen hundred and fifty-one.

FRED'K F. LOW,  
 Governor.

The question being, "Shall Senate bill No. 360, above reported, pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result:

AYES—None.

NOES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Freeman, Gaskill, Hale, Hartson, Haswell, Hawes, Heacock, Jones, Kutz, Maddox, McMurtry, Meyers, Moyle, Pierce, Porter, Redington, Roberts, Rush, Shafter, Smith, and Yale—28.

So the objections of the Governor were sustained.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
 Sacramento, April 4th, 1864. }

*To the Senate of the State of California :*

I herewith return, without my approval, Senate bill No. 439, an Act to authorize the Oakland and San Antonio Steam Navigation Company to improve the navigation of San Antonio Creek, in Alameda County.

The bill proposes to grant the right to the company mentioned in the title to improve and deepen the channel of San Antonio Creek across the bar at the mouth thereof, in such manner as the Board of Supervisors may prescribe, and upon the completion of the work to charge and collect such rates of toll as the Board of Supervisors may fix—the franchise to continue for ten years, absolutely, and as much longer as the Board of Supervisors of Alameda County may choose to extend it.

San Antonio Creek is declared by an Act of the Legislature a navigable stream, and even if no such Act existed, the Acts of Congress and the decisions of the Supreme Court of the United States would establish such fact. In my judgment, the Courts would set aside an Act granting the right to collect tolls on a stream or river which is navigable, and as a consequence open for free navigation of all vessels belonging to citizens of the United States.

The bill under consideration is, in my opinion, in contravention of the Constitution and laws of the United States, as well as contrary to a wise public policy. If the policy embodied in this bill should be inaugurated, a few years hence toll gates would be erected pursuant to Acts of the Legislature on the Upper Sacramento, Feather, and San Joaquin Rivers; and it is not improbable that it would be found desirable by some per-

sons, and be thought very conducive to the interests of the public, and advantageous to the parties to whom the franchise would be granted, that some slight improvements should be made in the Sacramento River below this city, with the privilege of collecting tolls for an indefinite number of years.

Toll bridges and toll roads may be authorized to be built with some regard to the rights of the people—even these franchises should be granted with more caution than has hitherto been the case; but navigable streams should be left open to the free enjoyment of all without let or hindrance, or the exaction of tolls.

FRED'K F. LOW,  
Governor.

The question being, "Shall Senate bill No. 439, above reported, pass, notwithstanding the objections of the Governor?" the roll was called, and the vote taken, with the following result:

AYES—None.

NOES—Messrs. Benton, Buckley, Cot, Crane, Cunningham, Dodge, Gaskill, Hale, Hartson, Jones, Kutz, Meyers, Montgomery, Moyle, Pierce, Redington, Roberts, Rush, Shafter, Smith, and Yule—21.

So the objections of the Governor were sustained.

Mr. Benton offered the following resolution:

*Resolved*, That Grove Hunt, Page of the Senate, be and is hereby allowed one dollar per day extra pay from the commencement of the session, and the Controller is authorized to draw his warrant as above.

Laid on the table.

Mr. Hartson made the following report:

Mr. PRESIDENT:—Your committee, to whom was referred the accompanying bills, report them back, with the recommendation that they be indefinitely postponed.

HARTSON, Chairman.

Mr. Cunningham, by leave, introduced a bill for an Act authorizing the State Treasurer to settle with Joseph S. Paxson, Treasurer of the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule of the Senate and the Fifteenth Joint Rule suspended.

Mr. Evans offered the following resolution:

*Resolved*, That the thanks of the Senate be and the same are hereby tendered to the Honorable T. N. Machin, President of the Senate, and to the Honorable R. Burnell, President pro tem, for the able, courteous, and impartial manner in which they have at all times performed their duties, respectively, as presiding officers of the Senate.

The resolution was unanimously adopted, Mr. Shafter being in the Chair.

Mr. Gaskill offered the following resolution:

*Resolved*, That the three Porters of the Senate be and are hereby allowed the sum of ninety six dollars, each, as a proper token for their faithful services during the present session of the Legislature, and that the Controller be and is hereby authorized and required to draw his warrant in favor of each of said Porters, William Galt, William McCoy, and James Hall, for said sum of ninety-six dollars, payable out of the Contingent Fund of the Senate.

Ruled out of order.

Mr. Cunningham, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 34, an Act fixing the pay for mileage of State, county, city, and city and county officers in certain cases, report the same back without recommendation ;

Also, Senate bill No. 101, an Act to repeal an Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, approved April twenty-eighth, eighteen hundred and sixty-three, report the same back without recommendation ;

Also, Senate bill No. 149, an Act making appropriations for the support of the civil government of this State for the sixteenth fiscal year, commencing July first, eighteen hundred and sixty-four, and ending June thirtieth, eighteen hundred and sixty-five, report the same back without recommendation ;

Also, Senate bill No. 274, an Act appropriating money for the relief of the Home for the Care of Inebriates, report the same back without recommendation ;

Also, report of Committee on State Hospitals, report the same back without recommendation ;

Also, report of Adjutant-General concerning military encampments, report the same back without recommendation ;

Also, message of the Governor in reference to the financial condition of the State, report the same back without recommendation ;

Also, petition of citizens of Butte County, report the same back without recommendation.

CUNNINGHAM, Chairman.

Mr. Hartson moved to take up for consideration Assembly bill No. 426.

On which, the ayes and noes were demanded, by Messrs. Hartson, Kutz, and Jones, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Cot, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hartson, Haswell, Heacock, Jones, Kutz, Leonard, Lovett, Redington, Roberts, Shafter, and Yule—21.

NOES—Messrs. Buckley, Freeman, Hamilton, Montgomery, Pierce, and Rush—6.

So the motion prevailed.

Assembly bill No. 426, an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one—read first and second times.

On the suspension of the rules, to allow the bill to be read third time,

the ayes and noes were demanded, by Messrs. Pierce, Crane, and Montgomery, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hale, Hartson, Heacock, Jones, Kutz, Lovett, Redington, Roberts, and Yule—17.

NOES—Messrs. Buckley, Cot, Freeman, Hamilton, Montgomery, Pierce, Rush, and Shafter—8.

So the rules were suspended.

The bill was then considered engrossed, and read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hartson, Gaskill, and Burnell, and taken, with the following result :

AYES—Messrs. Benton, Burnell, Crane, Cunningham, Dodge, Evans, Foulke, Gaskill, Hartson, Heacock, Jones, Lovett, Meyers, Porter, Redington, and Roberts—16.

NOES—Messrs. Buckley, Cot, Freeman, Hale, Hamilton, Kutz, Montgomery, Pierce, Rush, Shafter, and Yule—11.

So the bill passed.

The title was amended.

The Chair (Mr. Shafter) ruled that the above bill was a Senate bill, and therefore required engrossment, or the suspension of the Forty-Fifth Rule.

Mr. Gaskill appealed from the above decision.

The decision of the Chair was not sustained.

The Fifteenth Joint Rule was then suspended.

Mr. Heacock made the following report :

MR. PRESIDENT :—I find Senate bills Nos. 193 and 177 in my drawer, which I herewith report back, and ask that the same may be laid on the table.

HEACOCK.

Mr. Roberts, by leave, introduced a bill for an Act to amend an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, rules suspended, the bill considered engrossed, read third time, and passed, and the Forty-Fifth Rule of the Senate, and the Fifteenth Joint Rule of the two Houses, were suspended.

Mr. Hale offered the following resolution :

*Resolved*, That the Secretary, Assistant Secretary, Minute Clerk, Clerk at the desk, Journal, Copying, Enrolling, and Engrossing Clerks, and the Sergeant and Assistant Sergeant-at-Arms of the Senate, be and they are hereby declared entitled to receive the thanks of the Senate for the able and faithful manner in which they have discharged their respective duties.

Adopted.

Mr. Pierce offered a certain preamble and protest, which he asks may be spread upon the Journal.

87SEN



On the reception of which, the ayes and noes were demanded, by Messrs. Pierce, Crane, and Rush, and the roll called.

No quorum voting.

On motion of Mr. Gaskill, at forty-five minutes past two o'clock P. M., the Senate took a recess until seven o'clock P. M.

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#### EVENING SESSION.

Senate called to order by the President at seven o'clock P. M.

Roll called.

Quorum present.

Mr. Crane moved to reconsider the vote by which the title to Assembly bill No. 426 was amended.

The motion prevailed.

On the adoption of the amendment to the title, the roll was called, and the amendment rejected.

Mr. Haswell, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolment beg leave to report that they have examined, and found correctly enrolled, Senate bill No. 447, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

And this fourth day of April, eighteen hundred and sixty-four, at four o'clock P. M., delivered the same to the Governor for his approval.

HASWELL, for Committee.

Mr. Crane offered a concurrent resolution, suspending the Fifteenth Joint Rule.

Adopted.

Mr. Yule made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Assembly bill No. 407, have had the same under consideration, and beg leave to report the same back, and recommend its indefinite postponement.

A thorough consideration of the principles involved in this bill has convinced your committee that in some districts a law of this nature would be highly beneficial, while in others it would be utterly destructive of valuable and important interests. To devise a scheme which should reconcile the variance in this respect, has been the earnest purpose of your committee, and they flatter themselves that their efforts have been crowned with success. In lieu of the accompanying bill, your committee would recommend the drafting of an Act to authorize the Governor to appoint a Commission, to consist of three persons, whose duty it shall be to examine the topography of the State, and ascertain to what portions such a law as that under consideration would be applicable, and to what portion it would be injurious, and thereupon secure the segregation of each, and the removal and consolidation of such lands into two distinct departments, one to be known as the Stock Raisers' Department, and the other to be known as the Agricultural Department.

YULE, for Committee.

Mr. Buckley offered a preamble and resolutions, as follows :

WHEREAS, Previous to the settlement of California by Americans, John A. Sutter had obtained from the Mexican Government large grants of land, then held to be of comparatively little value, located in the Sacramento Valley, which lands were granted to him because of important services rendered in the successful settlement of a colony, called New Helvetia, in a region before occupied by hostile Indians; and

WHEREAS, He had from time to time acquired immense numbers of live stock, to wit: about ten thousand head of cattle, horses, and mules, and about three thousand head of hogs and sheep; and

WHEREAS, In eighteen hundred and forty-nine, in consequence of the discovery of gold in California the previous year, by a man in his employ named Marshall, a large immigration suddenly poured into the country from all parts of the world, but more particularly from the United States; and

WHEREAS, Many persons, in total disregard of the rights of said Sutter, guaranteed to him, in common with others, by the United States, under the treaty made with the Mexican Government in eighteen hundred and forty-eight, did lawlessly seize his lands, and cut and sell vast amounts of wood and hay therefrom, and did seize and dispose of his live stock, without even pretending to account to him therefor, or even to recognize the same as the private property of any person (although the same was distinctly branded, according to Mexican custom); and

WHEREAS, Owing to the then unsettled state of the country, the United States authorities were unable to successfully interpose for the prevention of these outrages, as bound to do by the treaty of eighteen hundred and forty-eight; and

WHEREAS, The said John A. Sutter does now memorialize the Legislature to pass an Act appropriating money for his relief, by way of indemnity for the great injuries so by him sustained, and by which he has been greatly reduced in circumstances; therefore,

*Resolved*, By the Senate, the Assembly concurring, that it is the sense of this Legislature that the petition of the said John A. Sutter is worthy of the immediate consideration and favor of this Legislature, and that he is entitled, by all the rules of justice, morality, and humanity, to aid from this State Government.

*Resolved*, That the rules be now suspended for the purpose of the introduction and final passage of a relief bill for said General John A. Sutter.

Adopted.

Mr. Buckley therefore introduced the following bill :

An Act to appropriate money for the relief of General John A. Sutter and his heirs.

Read first and second times, rules suspended, amended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Mr. Evans, by leave, introduced a bill for an Act supplemental to an Act entitled an Act to create the County of Coso, to define its boundaries, and to provide for its organization, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Mr. Evans offered the following resolution :

*Resolved*, That Charles S. Winn be and he is hereby allowed the sum of one hundred and twenty dollars, to be paid out of the appropriation for contingent expenses of the Senate, for assistance rendered the Sergeant-at-Arms, Porters, and Post-office Page, during the session, in addition to the faithful performance of his duties as Watchman.

Adopted.

Mr. Moyle, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 448, an Act authorizing the State Treasurer to settle with Joseph S. Paxson, Treasurer of the City and County of San Francisco; and the same was delivered to the Governor this the fourth day of April, A. D. eighteen hundred and sixty-four.

MOYLE, Chairman.

Assembly bill No. 407, above reported by the Placer delegation, was taken up.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Hale, Burnell, and Foulke, and taken, with the following result :

AYES—Messrs. Burnell, Evans, Foulke, Hale, Hamilton, Haswell, Leonard, Maddox, Pierce, Porter, Rush, and Yule—12.

NOES—Messrs. Benton, Crane, Dodge, Freeman, Gaskill, Hall, Heacock, Henry, Lovett, Moyle, Redington, Roberts, Shafter, Shepard, and Smith—15.

So the motion was lost.

The bill was read third time.

On the passage, the ayes and noes were demanded, by Messrs. Hale, Burnell, and Foulke, and taken, with the following result :

AYES—Messrs. Benton, Crane, Dodge, Freeman, Gaskill, Hall, Heacock, Henry, Lovett, Redington, Roberts, Rush, Shafter, Shepard, and Smith—15.

NOES—Messrs. Burnell, Evans, Foulke, Hale, Hamilton, Hartson, Haswell, Leonard, Maddox, Moyle, Pierce, Porter, and Yule—13.

So the bill passed.

Mr. Foulke offered the following resolution :

*Resolved*, That a committee of three be appointed on behalf of the Senate to wait on the Governor to ascertain if he has any further communication to make to the Senate.

Adopted.

Messrs. Foulke, Yule, and Maddox were appointed as such committee.

Mr. Pierce's protest and preamble was now called up.

The question being, "Shall the protest be received and spread upon the Journal?" the roll was called, with the following result :

AYES—Messrs. Crane, Cunningham, Henry, and Rush—4.

NOES—Messrs. Benton, Dodge, Foulke, Gaskill, Hale, Hall, Haswell, Kutz, Leonard, Lovett, Maddox, Moyle, Porter, Redington, Roberts, Shafter, and Yule—17.

So the Senate refused.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 4th, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 447, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, this day, passed Senate bill No. 448, an Act authorizing the State Treasurer to settle with Joseph S. Paxson, Treasurer of the City and County of San Francisco;

Also, this day, concurred in Senate concurrent resolution No. 35, suspending Joint Rule Number Fifteen.

R. H. DALY,  
Assistant Clerk.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1864. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate bill No. 279, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two;

Also, Senate bill No. 348, an Act to create the County of Coso, to define its boundaries, and to provide for its organization;

Also, Senate bill No. 447, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 448, an Act authorizing the State Treasurer to settle with Joseph S. Paxson, Treasurer of the City and County of San Francisco.

FRED'K F. LOW,  
Governor.

Mr. Haswell, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 450, an Act supplemental to an Act entitled an Act to create the County of Coso, to define its boundaries, and to provide for its organization, approved April fourth, eighteen hundred and sixty-four;



And at nine o'clock and fifteen minutes, this day, delivered the same to the Governor for his approval.

HASWELL, for Committee.

The committee appointed to wait on the Governor, reported that he had further communications to make.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 4th, 1864. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 449, an Act for the relief of General John A. Sutter;

Also, this day, passed Senate bill No. 450, an Act supplemental to an Act entitled an Act to create the County of Coso, to define its boundaries, and to provide for its organization, approved April fourth, eighteen hundred and sixty-four.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 450, an Act supplementary to an Act entitled an Act to create the County of Coso, to define its boundaries, and to provide for its organization, approved April fourth, eighteen hundred and sixty-four.

FRED'K F. LOW,  
Governor.

#### RESOLUTION.

Mr. Montgomery, at the request of the Reporters, offered the following resolution:

*Resolved*, That the President and clerical force of the Senate are entitled to the thanks and kindly remembrances of the Newspaper Reporters, for the uniform courtesy extended towards the members of the Press during the present session.

(Signed:)

BOWMAN,  
LIVINGSTON,  
AVERY,  
DE LONG.

The resolution was adopted.

#### COMMUNICATION.

The following communication was received:

*To the Honorable the Senate of the State of California:*

GENTLEMEN:—We, the undersigned, beg leave to tender you our sincere thanks for your kindness to us during the past session.

In hopes that you may all be favored with health and happiness, we remain,

Yours, respectfully,  
 WILLIAM McCOY,  
 WILLIAM GALT,  
 JAMES HALL.

Sacramento, April 4th, 1864.

Mr. Crane moved that a committee of three be appointed to wait on the Governor, and ascertain if he has any further communication to make.

Carried.

The Chair appointed as such committee, Messrs. Crane, Meyers, and Roberts.

Mr. Haswell, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 449, an Act to appropriate money for the relief of General John A. Sutter and his heirs;

And this, the fourth day of April A. D. eighteen hundred and sixty-four, at ten o'clock and twenty minutes P. M., delivered the same to the Governor for his approval.

HASWELL, for Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 4th, 1864. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 449, an Act to appropriate money for the relief of General John A. Sutter and his heirs.

FRED'K F. LOW,  
 Governor.

The Committee appointed to wait on the Governor reported that the Governor had no further official communication to make to the Senate.

Mr. Yule offered a concurrent resolution fixing eleven o'clock P. M., as the hour of adjournment.

Adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
 April 4th, 1864. }

MR. PRESIDENT:—The Assembly, this day, passed Senate joint resolution relative to adjournment *sine die* of the Legislature, at eleven o'clock P. M.

R. H. DALY,  
 Assistant Clerk.

There being no further business before the Senate, the concurrent resolution fixing the hour for adjournment was read, and as the hour fixed had arrived, the President declared the Senate adjourned *sine die*.

T. N. MACHIN,

President of the Senate.

Attest: CHAS. WESTMORELAND, Secretary of Senate.

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